

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 450 OF 2008 WITH
CIVIL APPLICATION NO. 1023 OF 2015
IN SA/450/2008 WITH
CIVIL APPLICATION NO. 15740 OF 2022
IN SA/450/2008 WITH
CIVIL APPLICATION NO. 12289 OF 2014
IN SA/450/2008

Shantabai Shridhar Pansare And Ors
VERSUS
Arun Ankush Nawale

WITH
SECOND APPEAL NO. 451 OF 2008

Ganesh Kishanrao Pansare
VERSUS
Arun Ankush Nawale

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Mr. A. G. Dalal & Mr. G. N. Chincholkar, Advocates for
Appellants (appointed)

Mr. V. S. Bedre, Advocate for Respondents

CORAM : R. M. JOSHI, J
DATE : AUGUST 08, 2025

PER COURT :

1. Though these Appeals were admitted on 30.06.2008, substantial question of law was not framed.
2. Heard learned Counsels for both sides.
3. Parties are referred to as "Pansare" and "Nawale" for the sake of convenience as both are Plaintiff and Defendants in two different suits.

4. Following substantial questions of law arise in these Appeals:

- (a) "Whether the First Appellate Court has committed error in answering the issue with regard to the ownership of the suit property by Pansare when there was admission of Nawale in his suit that Pansares' are owners of the suit property."
- (b) "Whether the First Appellate Court has committed error in decreeing the suit filed by Nawale and dismissing the suit filed by Pansare by considering the evidence in respect of matters which are not pleaded by Nawale."
- (c) "Whether the First Appellate Court has committed error in not considering the admitted fact that the possession of the Nawale on the suit property was permissive one."
- (d) "Whether the First Appellate Court has committed error in dismissal of suit of Pansare when the title of the Pansare was not in dispute nor there was a dispute with regard the Nawale being in permissive possession of suit property".

5. Stand over to 22.08.2025.

(R. M. JOSHI, J.)