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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12996 OF 2024
IN
SECOND APPEAL (ST) NO. 22619 OF 2024
WITH
INTERIM APPLICATION NO. 12999 OF 2024
IN
SECOND APPEAL (ST) NO. 22695 OF 2024

Shri Ananda Bhagwan Mohite ... Applicant/Appellant

Vs.

Hindurao Ramchandra Mohite and Anr. ... Respondents

Mr. Nilesh M. Wable a/w. Ms. Stefy J. Dias i/b. Mr. Umesh R. Mankapure for the Applicant/Appellant.

CORAM : GAURI GODSE, J.

DATE : 28th JANUARY 2025

ORDER :

1. Heard learned counsel for the applicant. These applications are filed for condonation of delay in filing second appeals.

2. Learned counsel for the appellant submits that these second appeals raise substantial question of law on the point of interpretation of the terms and conditions of the suit agreement

which cast an obligation on the vendor to obtain permission for sale. He submits that the only obligation on the part of the plaintiff is to make payment of the balance consideration at the time of execution of the sale deed. He therefore submits that the delay in seeking specific performance is incorrectly attributed towards the plaintiff to refuse specific performance and allow the counter claim.

3. Learned counsel for the appellant points out that the appellant was put in possession pursuant to the suit agreement, hence he would be entitled to protect possession in part performance of the contract.

4. Issue notice in Interim Application No. 12996 of 2024 to respondents returnable on 8th April 2025.

5. In addition to court notice, learned Advocate for the appellant to serve the respondents by private service and file service affidavit before the next date.

[GAURI GODSE, J.]