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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 25 OF 2025
WITH
INTERIM APPLICATION NO. 500 OF 2025
IN
SECOND APPEAL NO. 25 OF 2025

Deepak Maruti Katarar and Anr ... Appellants/Applicants

vs.

Rajendra Gajendra Kashid and Ors ... Respondents

Mr. Prasad P. Kulkarni for Appellant/Applicant.

CORAM : GAURI GODSE, J.

DATED : 17th JANUARY 2025

ORDER:

1. Heard learned counsel for the appellants. The second appeal raises the following substantial questions of law:

I) Whether the points for determination framed by the first appellate court and the operative decree is inconsistent with the pleadings and prayers of the plaintiff?

II) Whether the judgment and decree passed by the first appellate court would be sustainable in as much as the same does not convey any meaning?

III) Whether the impugned judgment and decree passed by the first appellate court can be termed as non-executable decree and thus, deserves to be quashed and set aside?

IV) Whether the first appellate court erred in not properly appreciating the pleadings and evidence on record and the prayers in the suit?

V) Whether the judgment and decree passed by the first appellate court is liable to be quashed and set aside and whether the appeal is required to be remanded back to the District Court for deciding the appeal afresh?

2. Issue notice to the respondents for final disposal of the second appeal at admission stage, on the aforesaid questions of law.

3. Notice is made returnable on 12th March 2025.

4. In addition to the Court notice, learned advocate for the appellants to serve the respondents, by private notice and file affidavit of service before the next date.

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5. Rule on interim relief in terms of prayer clause (a) is made returnable on 12th March 2025.

6. In addition to the Court notice, learned advocate for the applicants to serve the respondents, by private notice and file affidavit of service.

7. Till next date, there will be ad interim stay in terms of prayer clause (a).

(GAURI GODSE, J.)