

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.563 OF 2024

Bapuso Shankar Yadav & Ors.

...Appellants

Versus

Sham Wamanrao Jagtap & Ors.

...Respondents

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
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Mr. Girish Godbole, Senior Counsel a/w Mr. Prasad Nagavekar for
Appellants

CORAM: MADHAV J. JAMDAR, J.
DATED : 21st July 2025

P.C.:

1. Heard Mr. Girish Godbole, learned Senior Counsel appearing
for the Appellants.

2. **Admit** on the following substantial questions of law :

(a) Whether, in view of the concurrent findings recorded by both the Courts that the M.O.U. is only for the purpose of securing repayment of the amount advanced as loan by the Defendant No.1 to the Plaintiff and in view of the concurrent findings recorded that the Plaintiffs have proved repayment of Rs.25,00,000/- out of Rs.33,25,000/- received towards loan, the Defendant No.1 could have used Power of Attorney to sale land in favour of the Defendant Nos. 2 to 3?

(b) Whether the Defendant No.1 had any power to use power of attorney and execute sale-deed in favour of Defendant Nos. 2 and 3?

(c) Whether, in the absence of any recital in Power of Attorney dated 29.09.2006 (Exhibit 66) that the same had been granted for a consideration or that the same created an interest in favour of the Agent; it could not have ever been held that the POA was irrevocable or has become irrevocable?

(MADHAV J. JAMDAR, J.)