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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 272 OF 2025
WITH
INTERIM APPLICATION NO. 6917 OF 2025**

Jayendra Chandram Zampale and Others... Appellants/Applicants
Vs.

Mansur Mahiboob Shaikh and Others ... Respondents

Mr. Pradeep Salgar for the Appellants/Applicants.

CORAM : GAURI GODSE, J.

DATE : 9th APRIL 2025

ORDER :

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

- (i) Despite dismissal of the counter claim filed by defendant nos. 2 and 3, whether both the courts erred in not recording specific findings on the plaintiffs' claim of possession, in as much as the defendants are claiming through the plaintiffs and there is no dispute about the plaintiffs original title ?
- (ii) Whether the findings recorded by the trial court on issue no. 1 would amount to incorrect appreciation of the evidence

on record and more particularly, in view of the plaintiffs' original title and cancellation of the agreement and power of attorney in favour of respondent no. 1 ?

2. In addition to the court notice, learned Advocate for the appellants to serve the respondents by private service and file service affidavit.
3. Call for record and proceedings.
4. Printing is dispensed with.
5. Learned Advocate for the appellants shall file private paper book within one year from today.

Interim Application No. 6917 of 2025

6. Rule on interim relief in terms of prayer clause (a) to (d) is made returnable on 27th June 2025.
7. In addition to the court notice, learned Advocate for the applicants to serve the respondents by private service and file service affidavit before the next date.

[GAURI GODSE, J.]