



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
SECOND APPEAL NO.312 OF 2018

Vijay Alwin Masih s/o Prem Masih & Anr. Vs. Safdar Hussain Saheb Khan

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Anil Mardikar, Sr. Advocate a/b Shri R.A. Mardikar,
Advocate for appellants.
Shri F.T. Mirza, Sr. Advocate a/b Shri A.S. Deshpande, Advocate
for respondent.

CORAM : M.W. CHANDWANI, J.
DATE : 06.02.2025.

1. By order dated 22.10.2018, this Court framed substantial question of law. Notice was issued.

2. Having heard the learned Senior Advocates for the respective parties and having gone through the material on record, the appeal is **admitted** on the following substantial question of law:

“In the light of the fact that the requisite permission having been refused by the NIT on 04.09.2008, whether the plaintiff on the basis of the subsequent permission granted on 12.01.2009 is entitled for the decree of specific performance in the light of deposition of PW-2 at Exh.67?”

3. Shri F.T. Mirza, learned Senior Advocate waives notice on merits on behalf of respondent.

4. Appellant to file private paper-book within eight weeks from today.

Civil Application (CAS) No.770/2018

5. The execution of the impugned decree shall remain stayed till disposal of the appeal subject to applicants/appellants not creating any third party rights in the suit property.

6. The application stands disposed of.

JUDGE

Wagh