



29-2021

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

APPEAL AGAINST ORDER NO. 29 OF 2021

(Prakash Jamnadas Anandani & Ors. Vs. Nilkanthrao Kashirao Deshmukh & Ors.)

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

Court's or Judge's orders.

Mr. M.G. Bhangde, Senior Counsel with Mr. R.M. Bhangde,
Counsel for the appellants.

Mr. S.P. Dharmadhikari, Senior Counsel with Mr. A.R.
Deshpande, Counsel for respondent no.1.

Mr. S.B. Bissa, A.G.P. for respondent nos. 2 and 3/State.

.....

CORAM : ANIL L. PANSARE, J.
JANUARY 29, 2025

Respondent nos. 4 and 5 are not yet served.

The appellants shall take steps to serve the said respondents. In addition to usual mode, the appellants may serve the said respondents through all permissible modes, including through registered post acknowledgment due, and file affidavit of service.

2] List in the week commencing from
24/2/2025.

3] Interim relief to continue till then.

CIVIL APPLICATION NO. 49/2024

4] Heard.

5] Following substantial questions of law, in addition to the question of law formulated on 12/11/2024, would arise for consideration :

“I] Whether the impugned judgment delivered by the learned lower appellate court is vitiated due to non-consideration of documents, viz., Exhibits 53, 54, 55 and 56 ?

II] Whether the learned lower appellate court has erred in law in holding that it was erroneous on part of the learned trial Court to grant declaration of ownership of plaintiffs over the suit property in absence of any prayer to that effect without examining the contents of plaint, reasoning recorded by the learned trial Court and the principle that substance has primacy over the form ?”

6] The application is disposed of.

(ANIL L. PANSARE, J.)

Sumit