



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO.1140 OF 2025 IN
SECOND APPEAL ST. NO.25064 OF 2023

Shri Shankar Krushna Bhujade (dead) through LRs. .Vs. Mohan S/o Sheshrao
Bhujade and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr A.U. Deshmukh, Advocate for applicants.

CORAM : ROHIT W. JOSHI, J.
DATE : 17/11/2025

1. Issue notice to the non-applicants, returnable on **04.12.2025**.
2. The applicants are directed to serve the non-applicants by speed post in addition to regular mode of service and file an affidavit of service by next date.
3. The learned Advocate for the applicants states that the possession warrant is already issued by the learned Executing Court. He draws attention to paragraph-22 of the judgment passed by the learned First Appellate Court, where reference is made to an admission with respect to the previous partition by the plaintiff No.1. He then draws attention to the cross-examination of the plaintiff No.1 to contend that the admission cannot be said to be a stray

admission. In view of the above, following substantial question of law may arise for consideration :-

“Whether the learned Courts have erred in not accepting the case of defendants with respect to previous partition in view of admissions in this regard by the plaintiff/witness No.1.”

4. Having regard to the fact that the possession warrant is issued and the *prima facie* opinion of this Court that a substantial question of law may arise for consideration in the appeal, it is directed that status quo with respect to possession shall be maintained till the returnable date.

5. This order is passed having regard to the specific statement in the written statement of the defendants/appellants that the portions of the house property and also agricultural land in the village Kawatha, which according to the defendants had fallen to the share of the plaintiffs are lying vacant and can be occupied by the plaintiffs.

(ROHIT W. JOSHI, J.)