



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

**SECOND APPEAL NO. 49/2025**

(Kalimulla Ajimulla (dead) thr. Lrs. Vs. Hitesh s/o Mathuradas Kariya)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Mr. U.K. Bisen, Advocate for appellant.

**CORAM: ROHIT W. JOSHI, J.**

**DATED : 28/04/2025.**

Heard.

2. Issue notice to the respondent on the following substantial questions of law:-

*“Whether the findings recorded by learned Courts with respect to readiness and willingness on the part of plaintiff are perverse, inasmuch as although the stipulated date for execution of the sale-deed was 24.06.2011, finding that the plaintiff was ready and willing to perform his part of the contract is recorded on the basis of pay order dated 25.06.2012 and affidavit showing his presence in the office of Sub-registrar on the said date?”*

3. Notice is made returnable after Summer Vacation 2025. Learned counsel for appellant is permitted to serve respondent by all permissible modes, in addition to regular mode of service.

**Civil Application (S) 186/2025**

1. Heard.
2. Since notices are issued by framing substantial question of law, it will be expedient that the execution proceedings are allowed to continue only till the stage of submission of draft sale-deed. After that stage, the execution proceedings shall remain stayed. However, in view of the fact that there are concurrent decrees against the appellant, stay is granted subject to condition that the appellant shall not create any third party interest over the suit property till further orders.

**(ROHIT W. JOSHI, J.)**

*Gohane*