



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

CIVIL APPLICATION NO.606 OF 2025
IN
SECOND APPEAL NO.174 OF 2022

Nihalchand Waghjibhai Shah (Dead) thru Jatinkumar and ors.

Vs.

Shyamlal Gyasilal Sahu through Shobha and ors.

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

Court's or Judge's Order

Mr. D. V. Chouhan, Government Pleader and Sr. Advocate, a/b Mr. Rohan Malviya, Advocate for appellant No2 (2.2 and 2.3.).
Mr. M. G. Bhangde, Sr. Advocate, a/b. Mr. A. G. Baheti, Advocate for respondent Nos.1(A to C)

CORAM : ROHIT W. JOSHI, J.

DATE : 04.02.2026.

. **ADMIT** on the substantial questions of law framed vide order dated 29.04.2022, as also on the following additional substantial question of law:-

. *Whether the learned Courts below failed to look into the aspect that the contract that was sought to be enforced had already been terminated and without seeking relief of declaration the suit was maintainable ?*

2. Since the appeal is admitted, execution of the impugned decree is stayed till final disposal of the appeal.

3. Both parties are directed not to create any third party interest over the suit property and to maintain

status-quo with respect to possession and nature of the suit property till the final disposal of the appeal.

CIVIL APPLICATION NO.617 of 2025

4. The respective senior advocates state that the present application can be allowed, subject to condition that the question of limitation and the prayer relating back to the date of filing of the suit is kept open for adjudication at the stage of final hearing.

5. Civil Application is accordingly **allowed** with the rider as aforesaid.

(ROHIT W. JOSHI, J.)

Tanmay...