



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

CROSS-OBJECTION NO.19/2026 IN SECOND APPEAL NO.312/2018

Vijay Alwin Masih s/o Prem Masih and another
...Versus...
Shri Safdar Hussain s/o Saheb Khan

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

Court's or Judge's orders

Mr. A.N. Ansari, Advocate for respondent/Cross-Objector
Mr. A.V. Bobde, Advocate h/f Mr. R.R. Rajkarne, Advocate for appellants

CORAM : ROHIT W. JOSHI, J.
DATE : 11/03/2026

1. Issue notice to the appellants on the following substantial questions of law : -

(i) Whether a separate prayer for possession is required to be made in a suit for specific performance of contract, when the vendor is in possession of the suit property and is in a position to deliver the possession to the purchaser ?

(ii) Whether a decree for specific performance of contract by implication includes also a decree for delivery of possession ?

2. Advocate Mr. R.R. Rajkarne waives notice for the appellants.

3. Parties are put to notice that the Second Appeal as well as Cross-Objection will be heard finally on 08/04/2026.

(ROHIT W. JOSHI, J.)