

MHAH010040052016



Presented on : 15.07.2016

Registered on : 15.07.2016

Decided on : 23.03.2026

Duration : Y. M. D.  
09 08 08

**IN THE COURT OF DISTRICT JUDGE-1, AHMEDNAGAR**  
(Presided over by A. M. Patil)

**Exh.27**

**Regular Civil Appeal No.228/2016**

In

**Regular Civil Suit No. 242/2007**

Arun Baburao Badhe

Age - 43 years, Occ.-Agriculture,  
Resident of Gunore, Tal. Parner,  
Dist.Ahmednagar.

**Ori. Defendant no.6**  
**...Appellant**

**Versus**

1. Vasant @ Vishwanath Kashinath Dhawale

Age : 48 yrs., Occ. : Agriculture,

**Ori. Plaintiff no.1**

2. Rajesh Kashinath Dhawale

Age : 42 yrs., Occ. : Agriculture,

**Ori. Plaintiff no.2**

3. Prakash Kashinath Dhawale

Age : 32 yrs., Occ. : Agriculture,

**Ori. Plaintiff no.3**

4. Surekha w/o. Vasant @ Vishwanath Dhawale

Age : 43 yrs., Occ. : Household,

Respondents no.1, 3 and 4 all resident of  
Gunore, Tal. Parner, Dist.Ahmednagar.

Respondent no.2 resident of 2914, Kumbhar  
Ali, Po. Tal. Shirur, Dist. Pune.

**...Respondents**

**Appearances:**

Mr. R. M. Sanklecha, the learned advocate for the Appellant

Mr. K. P. Zhaware, the learned advocate for the Respondents No.1 and 4.  
Respondent No.3 Exparte.

Mr. R. H. Gandhi, the learned advocate for the Respondent No.2.

**AND**

MHAH010040962016



Presented on : 19.07.2016  
Registered on : 19.07.2016  
Decided on : 23.03.2026  
Duration : Y. M. D.  
09 08 04

**Exh.34****Regular Civil Appeal No.247/2016**

In

**Regular Civil Suit No. 215/2007**

- |   |                             |
|---|-----------------------------|
| 1. Kashinath Chimaji Dhawale<br>Age : 68 years., Occ. : Agriculture   | <b>Ori.Defendant no.1</b>   |
| 2. Gangubai w/o. Kashinath Dhawale<br>Age : 55 years., Occ. : Agriculture   | <b>Ori.Defendant no.2</b>   |
| 3. Sharad Kashinath Dhawale<br>Age : 25 years., Occ. : Agriculture  | <b>Ori.Defendant no.3</b>   |
| 4. Arun Baburao Badhe<br>Age : 43 years., Occ. : Agriculture<br>Appellants no.1 to 3 all resident of<br>Kumbhar Ali, H.No.2914, Po.Tal. Shirur,Dist.Pune<br>Appellant no.4 resident of Gunore,<br>Tal. Parner, Dist.Ahmednagar. | <b>Ori.Defendant no.6</b>   |
|   | <b>...<u>Appellants</u></b> |

**Versus**

- |   |                            |
|---|----------------------------|
| 1. Vasant Kashinath Dhawale<br>Age : 44 yrs., Occ. : Agriculture,   | <b>Ori. Plaintiff no.1</b> |
| 2. Rajesh Kashinath Dhawale<br>Age : 40 yrs., Occ. : Labour work,   | <b>Ori. Plaintiff no.2</b> |
| 3. Prakash Kashinath Dhawale<br>Age : 30 yrs., Occ. : Agriculture,  | <b>Ori. Plaintiff no.3</b> |
| 4. Meena Bhanudas Gawali<br>Age : 40 yrs., Occ. : Household,  | <b>Ori.Defendant no.4</b>  |
| 5. Rekha Dattatraya Kamble<br>Age : 35 yrs., Occ. : Household,<br>Respondents no.1& 3 to 5 all resident of<br>Gunore, Tal. Parner, Dist.Ahmednagar.<br>Respondent no.2 resident of Kumbhar Ali,<br>Po. Tal. Shirur, Dist. Pune. | <b>Ori.Defendant no.5</b>  |

**Appearances:**

Mr. R. M. Sanklecha, the learned advocate for the Appellants.  
Mr. R. H. Gandhi, the learned advocate for the Respondent No.1,  
Mr. B.B. Bhor , the learned advocate for the Respondents no.2, 4 & 5.  
Respondent No.3 - Exparte.

**COMMON JUDGMENT**  
(Delivered on 23<sup>rd</sup> Day of March 2026)

1. The original defendants no.1 to 3 and 6 have preferred these appeals under Section 96 of the Code of Civil Procedure, 1908 (In short, CPC) against the impugned common Judgment and decree dated 04.05.2016 in Reg. Civil Suit No.215/2007 and in Reg. Civil Suit No.242/2007 passed by the learned Civil Judge Junior Division, Parner whereby, Reg. Civil Suit No.215/2007 for declaration, partition and perpetual injunction is partly decreed and Reg. Civil Suit No.242/2007 is dismissed.

2. For the sake of convenience, the parties are referred to by their original nomenclature as the plaintiff and defendant mentioned in the above suits.

3. The description of the landed property situated at Gunore, Tal. Parner, Dist.Ahmednagar with the four boundaries is as under :-

**1A**

Gat No.	Area	Akar	Four Boundaries			
			Towards East	Towards West	Towards North	Towards South
453	0.50	0.94	Gat No. 451	Gat No. 468, 457	Gat No. 430	Gat No. 450
Out of it 1/2	0.02					
457	0.16	0.37	Gat No. 454	Gat No. 458	Gat No. 463	Gat No. 454
458	0.22 Kharaba 0.05	0.53	Gat No. 559, 565	Gat No. 557	Gat No. 541	Gat No. 554
466 out of it 1/2	0.41	0.69	Gat No. 465	Gat No. 467	Gat No. 430	Gat No. 461, 462

467	0.25	0.45	Gat No. 466	Gat No. 468	Gat No. 430	Gat No. 462
532	0.40	0.90	Gat No. 533	Gat No. 531	Gat No. 519	Gat No. 567
529 out of it 1/4	1.87 Kharaba 0.05	3.63	Gat No. 528	Gat No. 533	Gat No. 519	Gat No. 567
533 out of it 1/2	0.64	0.67	Gat No. 529	Gat No. 532	Gat No. 519	Gat No. 567

**1B**

4. The house property No.77 situated at Zilha Parishad Ahmednagar Panchayat Samiti Parner, Mauje Grampanchayat Gunore.

**1C**

5. The description of the house property situated at Zilha Parishad Pune, Panchayat Samiti Shirur, Dist. Pune with the four boundaries is as under :-

<b>CTS No.</b>	<b>Four Boundaries</b>			
	<b>Towards East</b>	<b>Towards West</b>	<b>Towards North</b>	<b>Towards South</b>
1387 having area 82.42 Sq.m.	CTS No.1380 to 1382 and 1386	CTS No. 1388 to 1391	CTS No.1393	Road

**1D**

1388 having area 11.76 Sq.m.	CTS No.1387	CTS No.1391	CTS No.1389	CTS No.1387
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**1E**

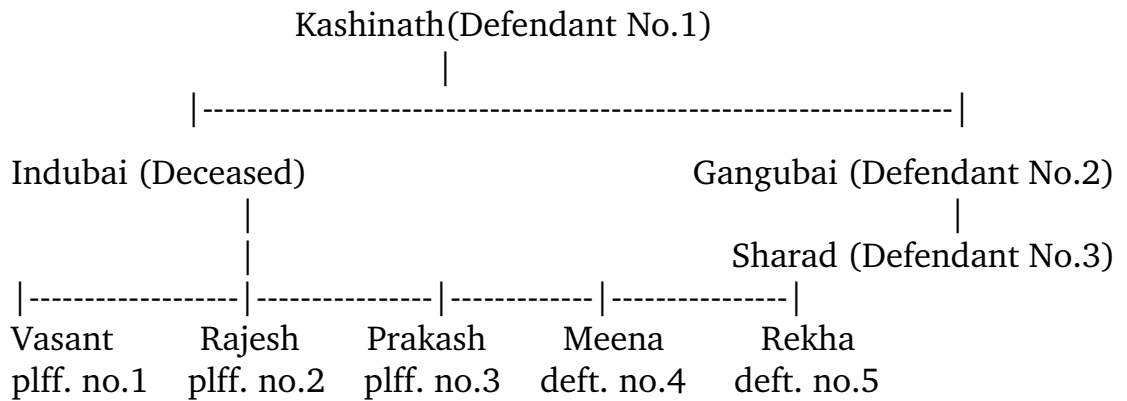
1389 having area 16.24 Sq.m.	CTS No.1387	CTS No.1391	CTS No.1390	CTS No.1388
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**1F**

1390 having area 07.84 Sq.m.	CTS No.1387	CTS No.1391	CTS No.1393	CTS No.1389
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Hereinafter referred to as 'suit properties'.

The genealogy of the parties is as under;



6. In brief the facts of RCS No.215/2007 are that plaintiffs are the sons of defendant no.1 from his first wife Indubai. Defendant nos.4 and 5 are the daughters of defendant no.1. Defendant no.2 is second wife of defendant no.1 and defendant no.3 is their son. Defendant no.6 is the purchaser of 1/4th share out of Land Gat No.529 and 1/2 share out of Land Gat No.533 from defendant No.1 as per sale-deed dated 11<sup>th</sup> May 2007.

7. Agricultural lands situated at village Gunore, Tal. Parner Grampanchayat House No.77 situated at village Gunore, Tal. Parner and CTS No.1387, 1388, 1389 and 1390 situated at Shirur are the joint family properties of plaintiffs and defendant no.1.

8. Suit house properties situated at Shirur, Dist.Pune are purchased from the funds of Joint Family of plaintiffs and defendant no.1 and they are standing in the name of defendant No.1. Defendant no.1 has filed Reg. Civil Suit No.209/2000 against the plaintiffs in the Court of Civil Judge, Junior Division, Shirur for declaration that house properties situated at Shirur are his self acquired properties. According to the plaintiffs in R.C.S.No.215/2007, defendant no.1 without any legal necessity prior to two months before filing present suit, sold out 48 R portion out of land Gat No.529 admeasuring 1H.92R and 0.20 R portion out of land Gat No.533 total admeasuring 0.64 R in favour of

defendant no.6. In fact, plaintiffs are having possession on those lands and sale-deeds are not binding upon them. Defendant no.6 by taking undue advantage of the sale-deed is trying to cause obstructions and interference into possession of the plaintiffs over the agricultural land Gat No.529 and 533 situated at village Gunore, Tal. Parner. Defendant no.1 is also likely to dispose of other properties only in order to deprive the plaintiffs from their legitimate shares. Therefore, they filed present suit for restraining defendant no.6 from causing obstructions and interference into peaceful possession of the plaintiffs over land Gat No.529 and 533 situated at village Gunore, Tal. Parner.

9. The defendants no.1 to 3 have filed their written statement at Exh.23. They submitted that the properties situated at village Gunore, Tal. Parner are joint family properties of plaintiffs and defendants no.1 to 5, however, they denied that house properties situated at Shirur, Dist.Pune are purchased from the funds of Joint family. According to defendants, in the year 1993 defendant no.1 retired from his services from Port Trust, Bombay, sold out his room situated at Bombay and received sale proceeds of Rs.1,32,000/-, he also received an amount of Provident Fund and Gratuity and from that amount he has purchased house properties situated at Shirur. Thus, he claims that house properties situated at Shirur are his self acquired properties and not joint family properties. He has stated that Land Gat no.529 and 533 have been sold by him on 11.05.1007 in favour of defendant no.6 for legal necessity and defendant no.6 is put into possession of those lands. He has sold out those lands for legal necessity particularly to meet out household expenses and medical expenses of his wife. Defendants no.1 to 5 further submitted that plaintiffs had filed Reg. Civil Suit No.294/1995 for partition and same is dismissed, therefore, present suit is barred under Order II Rule 2 of the CPC. and prayed to dismiss the suit.

**10.** Defendant no.6 has filed his written statement at Exh.15. He submitted that he has purchased southern 48R portion out of land Gat No.529 and southern 20R portion out of Land Gat No.533 from defendant no.1 on 11.05.2007 for valuable consideration amount of Rs.4,05,000/- and since then he is having possession on both these lands. He further submitted that defendant no.1 has sold out these lands to him to meet out domestic expenses and to meet out medical expenses of his wife. He further submitted that he has asserted his own title and possession to both these lands and prayed for dismissal of the suit.

**11.** After scrutinizing the evidence on record, the learned trial Court came to the conclusion that there is no question of fixation of taxable value as per demand of the appellant and property tax has to be assessed on the basis of ratable value and thereby dismissed the appeal.

**12.** Upon hearing, following points arise for my determination. I have recorded my findings against each of them for the reasons stated below;

<b>Sr.No.</b>	<b>POINTS</b>	<b>FINDINGS</b>
1.	Whether plaintiffs in RCS No.215/2007 prove that the suit properties in para no.1A and 1B are their joint family properties ?	..Yes.
2.	Whether plaintiffs in RCS No.215/2007 prove that the suit properties in para no.1C to 1F are purchased in the name of defendant no.1 as a karta of joint Hindu family ?	..No.
3.	Whether plaintiffs in RCS No.215/2007 prove that they were cultivating the land in para no.1A ?	..Yes.
4.	Whether plaintiffs in RCS No.215/2007 prove that the suit properties in para no.1C to 1F are purchased by selling the joint Hindu family properties of plaintiffs and defendants and separate property of the plaintiff ?	..No.
5.	Whether plaintiffs in RCS No.215/2007 are entitled for declaration that the suit properties are joint Hindu family properties ?	..Yes. Only in respect of suit properties in para no.1A and 1B

6. Whether plaintiffs in RCS No.215/2007 prove they are having 1/7<sup>th</sup> each share in the suit properties ? ..Yes.
7. Whether plaintiffs in RCS No.215/2007 are entitled for partition of the suit properties ? ..Yes.
8. Whether plaintiffs in RCS No.215/2007 prove that the sale-deed of Gat No.529 and 533 executed by the defendant no.1 in the name of defendant no.6 is not binding on the share of plaintiffs ? ..Yes.
9. Does plaintiff in RCS No.242/2007 prove that the suit properties Gat no.529 and 533 are in his separate possession in view of registered sale-deed dated 11.05.2007 ? ..No.
10. Does plaintiff in RCS No.242/2007 prove that the defendants are obstructing his peaceful possession over the suit property ? ..No.
11. Does plaintiff in RCS No.242/2007 is entitled for the relief of perpetual injunction ? ..No.
12. Whether impugned Judgment and decree requires any interference at the hands of this Court ? ..No.
13. What order ? Appeals are dismissed.

### **REASONS**

13. The learned trial Court proceeded with both the suits together with the consent of the parties and also recorded evidence in common. Because of that the learned trial Court avoided to address the parties as plaintiffs and defendants. The learned trial Court addressed them by their names. Hence, this Court is also addressing them as per their names instead of plaintiffs and defendants.

14. On behalf of Vasant, Rajesh and Prakash the affidavit for examination in chief has been filed by Vasant at Exh.60. He has proved the documents i.e. the copies of 7/12 extracts(Exh.61 to 68), Tax Assessment extract (Exh.69), copy of Mutation Entry No.705(Exh.70), copy of Mutation Entry No.1296 (Exh.71), copy of Mutation Entry No.62 (Exh.72), extract of property card (Exh.73 to 76), Tax receipt of Shirur Nagar Palika(Exh.77 & 78), copy of Mutation Entry no.383(Exh.83),

copy of Exh.1 in RCS No.292/2000 (Exh.84), copy of written statement in RCS No.292/2000 (Exh.85), copy of Decree in RCS No.292/2000 (Exh.86), agreement to sell of the property at Alegaon paga, Shirur(Exh.96), Sale-deed of property at Alegaon paga, Shirur(Exh.99), sale-deed executed by Kashinath Dhawale in favour of Kachar Abaji Bochare(Exh.106), sale-deed executed by Kashinath Dhawale in the name of Arun Badhe (Exh.119), the details of amount of retirement of Kashinath (Exh.126), agreement of sell of room at Mumbai(Exh.143), the sale-deed of suit properties 1C to 1F(Exh.158).

15. The plaintiffs have also examined Popat Babanrao Waghchaure(PW2) at Exh.92, Kachar Abaji Bochare(PW3) at Exh.103 and Tukaram Sadadhiv Khaire(PW4) at Exh.123.

16. On the other hand, the defendant no.6 Arun Baburao Badhe examined Kashinath Chimaji Dhawale(DW1) at Exh.110, Tukaram Khaire (DW2) at Exh.123. He also examined himself as DW3 by filing an evidence affidavit at Exh.129.

17. The learned advocate Mr. Sanklecha for the appellants argued that the Vasant admitted in his cross-examination that he does not know the exact figure of ancestral properties, he has not joined the other co-sharers in the suit whose names are appearing in the 7/12 extract, as there was no income in the agricultural land, his father went to join the service and all were residing jointly till 1997 to 1998, his father was acting as a karta of the family. He further argued that looking to the admissions given by Vasant the fact is proved that Kashinath had sold the property by way of sale-deed Exh.119 to Arun Badhe for valuable consideration for legal necessity. He further argued that the testimony of Kashinath does not support the case of Vasant. It is in favour of Arun Badhe. Even, the testimony of Arun Badhe shows that he purchased the property by way of sale-deed Exh.119 for valuable consideration and nothing has come in his

cross-examination to disbelieve his version and therefore the impugned judgment passed by the learned trial Court is prima facie wrong. Hence, he prayed to allow his suit.

18. The learned advocate Mr. R. H. Gandhi for the respondent no.1 argued that it is admitted fact that the property in Gat No.453, 457, 459, 466, 467, 532, 529 and 533 are all joint family properties of appellants no.1 to 3 and respondents as per written statement at Exh.23 and therefore the impugned judgment passed by the learned trial Court is correct and legal. He further argued that Kashinath had no right to sell the property to Arun Badhe. The said transaction of sell was not for the benefit of joint family because such legal necessity has not been mentioned in the said sale-deed. At that time Kashinath was getting pension and therefore no question arose to sell the said property in the year 2007. He further argued that Kashinath failed to prove that he was in need of money for the purpose of ailment of his wife. Hence, he prayed to dismiss the appeal.

19. The learned advocate Mr. B. B. Bhor for the respondents no.2 to 5 argued that the suit properties are joint family properties and there was no partition effected in between the parties and therefore the sale-deed executed by Kashinath in favour of Arun Badhe is not binding on them. He further argued that the impugned judgment passed by the learned trial Court is correct and legal and there is no necessity to interfere in it. Hence, he prayed to dismiss the appeal.

**As to Points No.1 to 12 :**

20. Evidence on all these points is inter-connected with each other and therefore they are taken together for the discussion.

21. Vasant Dhawale(PW1) filed his affidavit of examination-in-chief at Exh.60. He reiterated the same as per the plaint. He deposed that

plaintiffs no.2 and 3 are his real brothers. Defendant no.1 is his father. Defendant no.2 and 3 are his step mother and step brother respectively. Defendants no.4 and 5 are his real sisters.

**22.** He deposed that the suit properties described in para no.1A to 1F are joint family property of plaintiffs and defendants no.1, 4 and 5 and they were cultivating the land in para no.1A.

**23.** He also deposed that the defendant no.1 sold out some portion of Gat no.420 and the agricultural property at village Alegaonpaga and purchased suit properties mentioned in para no.1C to 1F and therefore it is also joint family property.

**24.** He further deposed that the defendant no.1 sold out Gat no.529 and 533 to the defendant no.6 without the consent of plaintiffs and defendants no.4 and 5 in absence of any legal necessity of the joint family and therefore the sale-deed Exh.119 is not binding on them.

**25.** The defendants no.1 to 3 and 6 cross-examined this witness at length. During cross-examination he admitted the relationship between the parties. He also admitted that the suit properties mentioned in para no.1A is the joint family property of plaintiffs and defendants no.1, 4 and 5. He also admitted that those properties have come to defendant no.6 from his grandfather. This witness also admitted the fact that Kashinath was serving in the Mumbai Port Trust since 1968 and their marriages were solemnized during the period 1990 to 1998. He also admitted the professions of their brothers and sisters. He deposed during cross-examination that he has no knowledge that defendant no.1 sold out his room at Gowandi, as well as he received the amount of fund and gratuity and he is unable to say for what legal necessity the defendant no.1 had sold the said property to the defendant no.6.

**26.** The plaintiff further examined Popat Wakchaure (PW2). He deposed that he entered into agreement of sale with the plaintiffs for the properties situated in Gat no.24 which had come to them from their mother. Then the sale-deed was executed in the year 1994. At that time all the negotiations have been done by the defendant no.1.

**27.** During cross-examination he admitted that the defendant no.1 had sold the said property because of maintenance of his family as well as the need of money for the transaction of the property at Shirur.

**28.** This piece of evidence came on record is in respect of the property which was in the name of mother of the plaintiffs namely Indubai and therefore the evidence of this witness is not important in the present case in hand.

**29.** Thereafter plaintiffs examined Kachar Bochare(PW3). He is resident of village Gunore. He knows all the parties in this case. He deposed that he purchased 0.36R land out of Gat No.420 from the defendant no.1 by way of registered sale-deed and it was joint family property of defendant no.1. Defendants no.1 to 3 and 6 cross-examined this witness only on the point of family relationship between them and therefore his testimony is not so much important in this suit.

**30.** On the other hand, defendant no.1 Kashinath(DW1) examined himself. He deposed that his land at village Gunore was joint family property and its income was not sufficient for him and therefore he went and joined service in Mumbai Port Trust in the year 1968. He used to reside at Nerul alongwith plaintiffs and their mother. He got retired from the service in the year 1993. He sold out the said room at Nerul for Rs.1,32,000/-. He also received amount of provident fund and gratuity etc. and thereby he purchased suit properties 1C to 1F from his own fund and therefore it is his self-acquired property. He further deposed that he

purchased Gat no.457 and 467 from his uncle and Govind Satpute from his own income.

**31.** He further deposed that he sold 1/4<sup>th</sup> share of Gat no.420 at village Gunore to Kachar Bochare for the need of his joint family. He also deposed that he sold out the property at mauje Alegaonpaga Gat no.24 to Papat Wakchaure for the need of his family. He further deposed that he incurred all the expenses for the maintenance of his family as well as education of M.D. of his daughter Rekha.

**32.** He further deposed that the properties sold to defendant no.6 Arun Badhe were his independent properties and therefore he sold the same to him by way of registered sale-deed dated 11.05.2007. Since the day of registration of the sale-deed, the defendant no.6 is in possession of the same. He had sold the same to fulfil his family needs like ailment of his wife and to repay the handloan.

**33.** Lastly he deposed that Gat no.468 at village Gunore was purchased by him out of his own fund in the name of his wife Indubai but plaintiffs did not show it in the suit properties at para no.1A.

**34.** He was cross-examined by the plaintiffs. He admitted all the relationship between them. The plaintiffs put their entire case in the form of suggestions to this witness but he denied all those suggestions. It is not mentioned here only to avoid repetition.

**35.** He further examined Tukaram Khaire (DW2). He deposed that defendant no.1 was serving in Mumbai Port Trust since 1968 to 1992 after his retirement he received total amount of Rs.2,33,093/- towards gratuity, P.F. etc. as per Exh.126. There is no material cross-examination by the plaintiffs to this witness.

**36.** Defendant no.6 Arun(DW3) examined himself. He deposed that the land 0.49R out of Gat no.529 and 0.20R out of Gat no.533 are his independent properties. He was in possession and cultivating the same. He purchased the same from the defendant no.1 by way of registered sale-deed dated 11.05.2007. Defendant no.6 used the said consideration of Rs.04,05,000/- for fulfilling domestic needs, ailment of his wife and to repay the handloans.

**37.** He further deposed that the plaintiffs had obstructed his peaceful possession over the same and therefore he filed suit for injunction against them vide R.C.S. No.242/2007.

**38.** He was cross-examined by the plaintiffs. During cross-examination he admitted that prior to purchase of the said property he did not obtain search report and he did not publish any notice as to the said transaction in the newspaper. He also admitted that he had knowledge about all the family members of Kashinath. He also admitted that no legal necessity has been mentioned by Kashinath in the said sale-deed. He also admitted that he did not obtain the consent of the plaintiffs prior to execution of the said sale-deed.

**39.** Upon perusal of the impugned judgment it is seen that the learned trial Court appreciated the evidence on record and came to the conclusion that the plaintiff in R.C.S. No.242/2007 has failed to prove his case and thereby dismissed the suit. But, the learned trial Court partly decreed the suit bearing no.215/2007 and held that the suit properties as mentioned in para no.1A and 1B are the joint family properties and the plaintiffs and defendants no.1 and 3 to 5 are having 1/7<sup>th</sup> share each in the same. The learned trial Court also declared that the sale-deed Exh.119 executed by defendant no.6 in favour of defendant no.1 is not binding on the plaintiffs and therefore the said portion be given to defendant no.6 out of the share of defendant no.1.

40. It is important to note that Chimaji had two sons and one daughter namely Kashinath, Tukaram and Anjanabai. The property of Chimaji partitioned in between the sons and the daughter as per RCS No.292/2000, those properties were Gat no.457, 458, 466, 467, 529, 532 and 533. As well as the half portion in property No.227 and 228 at Gunore was received, the said fact was not denied by any of the parties in the present suit. Kashinath failed to prove that Gat no.457 and 468 are his self-acquired properties. The properties which are sold by Kashinath to Arun Badhe out of Gat no.529 and 533 are not the self-acquired properties of Kashinath. It is proved that it is joint family property and therefore it is not necessary to prove separate possession of each party on the same. It is proved from the evidence of Arun Badhe that he has purchased the said property without issuing any public notice and he did not inquire as to the status of the property. It is also seen that he is the resident of the village Gunore and he was known with the family of Kashinath. He also admitted during cross-examination that the legal necessity to sell the property is not mentioned in the sale-deed at Exh.119 by Kashinath. Looking to the above evidence it is crystal clear that the said sale-deed is not binding on Vasant, Rajesh and Prakash and therefore Arun Badhe is not entitled for any specific share in the property as well as possession of the same. Even, there is no evidence given by Arun Badhe to show his separate possession over the property.

41. The present appeal is preferred by Kashinath, Gangubai, Sharad and Arun Badhe and challenged the impugned judgment only in respect of property owned by them as joint family property, it means, the properties mentioned in para no.1A and 1B. On the other hand, Vasant, Rajesh, Prakash, Meena and Rekha did not challenge the said impugned judgment and decree in respect of properties as mentioned in para no.1C to 1F. Therefore, there is no need to appreciate the evidence in respect of suit properties as mentioned in para no.1C to 1F. So far as suit properties

mentioned in para no.1A and 1B are concerned, no necessity is seen to interfere in the impugned judgment passed by the learned trial Court. The reasoning given by the learned trial Court is perfectly legal and valid and there is no need to interfere in it. Hence, I answer points no.1, 3, 5 to 8 in the affirmative, points no.2, 4 9 to 12 in the negative and in answer to point no.13, I pass the following order.

**ORDER**

1. The Appeal No. 228/2016 and 247/2016 are dismissed.
2. The impugned common Judgment and decree dated 04.05.2016 in Reg. Civil Suit No.215/2007 and in Reg. Civil Suit No.242/2007 passed by the learned Civil Judge Junior Division, Parner is hereby confirmed.
3. The true copy of this Judgment be kept in the Regular Civil Appeal No.247/2016.
4. The true copy of this Judgment as well as record and proceeding be sent to the learned trial court.
5. Decree be drawn up accordingly.

(Dictated and pronounced in open Court.)

Ahmednagar  
Date : 23.03.2026.

**( A. M. Patil )**  
District Judge-1, Ahmednagar  
JO Code-MH02456