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 Registered on : 23/03/2016  
Decided on : 16/03/2026  
Duration : YY MM DD  
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**IN THE COURT OF CIVIL JUDGE SENIOR**  
**DIVISION AT : NILANGA, DISTRICT LATUR**  
**(PRESIDED OVER BY R. V. PANDE )**

**R.C.S. No.148/2016**

**Exh.No. 103**

1. Subham S/o. Youraj Dhage,  
Age- Minor U/g. of paternal grand mother  
plaintiff No.3
2. Ragani D/o. Youraj Dhage,  
Age- Minor U/g. of paternal grand mother  
plaintiff No.3
3. Sou. Daivatabai W/o. Baburao Dhage,  
Age:- 55 Yrs. Occu.:- H.H.,  
All R/o. Ansarwada,  
Tq. Nilanga, Dist. Latur.  
At present R/o. Ambulga (V),  
Tq. Nilanga District Latur. **...Plaintiffs.**

**VERSUS**

1. Baburao S/o. Jagnath Dhage, (Died)

2. Tejabai W/o. Baburao Dhage,  
Age:- 61 Yrs. Occu.- H.H,  
Both R/o. Ansarwada Tq. Nilanga District Latur
3. Deelip S/o. Sugriv Suryawanshi  
Age:- 45 Yrs. Occu.- Agri.,  
R/o. Makni (Thor),  
Tq. Nilanga, District Latur. **...Defendants.**

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Ld. advocate Shri. U. S. Jadhav : appeared for the plaintiffs.  
Ld. advocate Shri. M. R. Jagtap : appeared for the  
defendants.

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**JUDGMENT**  
**(Delivered on 16/03/2026)**

The suit is for partition with respect to land ad-measuring 01 H 84 R bounded towards East- land belongs to Venkat Piraji Kumbhar, West- Ansarwada to Gural Road, South- land belongs to Shivaji Nagnath Mane, North- Land belongs to Chayabai Anant Mane, out of Block No. 40/C situated at village Ansarwada Tq. Nilanga Dist. Latur, separate possession of the share and monthly maintenance of Rs.10,000/-.

**Brief facts of the plaintiffs' case are as under;**

2. Plaintiff No.3 is paternal grand mother of plaintiffs No. 1 and 2. Youraj was son of plaintiff No.3. He was killed. Plaintiff No.3 filed the present suit in order to protect rights of the minor plaintiffs. There was not a valid marriage between defendant No.1 and 2. Therefore, defendant No.2 started living at her parental home.

3. Thereafter, on 12.09.1981, defendant No.1 solemnized valid marriage with plaintiff No.3. Plaintiff No.3 and defendant No.1 started living at village Ansarwada Tq. Nilanga. Youraj was born to them on 11.06.1982. Thereafter, defendants no. 1 and 2 started living together at village Ansarwada, Tq. Nilanga. Thereafter, defendant No.1 taken to Youraj forcibly and drew away to plaintiff No.3 out of the house. Custody of Youraj was given to defendant No.1. Thereafter, Youraj solemnized marriage with Savita. Plaintiffs No.1 and 2 were born to them. Plaintiffs No.1 and 2 started living with their maternal grandfather. The plaintiffs are successors of deceased Youraj. After demise of Youraj, the plaintiffs are members of the joint family. Deceased Youraj had undivided share in the suit property. It is purchased out of the income derived from joint efforts of the plaintiff and defendant No.1. The plaintiff and defendant No.1 were living at Pune. They started running hotel and mess business. During the period from year 1981 to year

1987, the plaintiff and defendant No.1 collected amount from their joint efforts. As such, they purchased the suit property by their joint efforts. Accordingly, the suit property is belonging to the joint family of the plaintiff and defendant No.1. The plaintiff and defendant No.1 have undivided share in the suit property. However, defendant No.1 illegally recorded name of defendant No.2 to the land ad-measuring 91 R. In fact, defendant No.2 is not legally wedded wife of defendant No.1. Therefore, partition between them is unlawful.

4. Defendants No.1 and 2 executed sale deed bearing registration No. 3072/2014 and 3071/2014 in favour of defendant No.3 so as to deprive the plaintiffs' rights. The said sale deeds are void and not binding on the plaintiffs' rights. Defendants No.1 and 2 executed the said sale deeds without legal necessity. Defendant No.3 never inquired in to the rights of defendants No.1 and 2. He is not a bonafide purchaser. He is son of sister of defendant No.2. He is not an agriculturist. The plaintiff has no other source of income. She is unable to maintain herself. Defendant No.1 is bound to maintain plaintiff No.3. He is karta of joint family. He has annual income up to Rs. 4,00,000/-. Defendant No.2 is not member of the joint family. The plaintiffs requested to the defendant for having partition in the suit property and separate possession of their shares. However, the defendants

refused for doing so. Therefore, the plaintiffs lastly prayed for partition, separate possession and maintenance.

5. The defendants filed their written statement vide Exh.16. They denied all allegations leveled against them into the plaint. They further contended that the suit property is self acquired of defendants No. 1 and 2. They sold it to defendant No.3 for their legal necessity. Plaintiff No.3 is not a legally wedded wife of defendant No.1. After demise of Youraj, plaintiffs No.1 and 2 were not living with defendant No.1 and 2. Deceased Youraj was doing real estate business. His entire earnings were kept with his wife and relatives. He had 3 JCB machine and other vehicle. All are having at Aurangabad. Plaintiffs No.1 and 2 are living with father-in-law of deceased Youraj. The suit is filed so as to grab the suit property. Plaintiffs No.1 and 2 never resided with plaintiff No.3. Plaintiffs No.1 and 2 are not under guardian of plaintiff No.3.

6. Marriage of defendants No.1 and 2 solemnized in year 1967 according to Hindu rights and rituals. Defendant No.2 is legally wedded wife of defendant No.1. Defendant No. 1 has only worn a garland in the Gandharva style with Plaintiff No. 3 without the consent of defendant No. 2. Under such circumstances, deceased Youraj was born to plaintiff No.3 and defendant No.1. Thereafter, plaintiff No.3 left

deceased Youraj towards defendant No.1 and went to her parental home. She never went to her matrimonial home. Defendants No.1 and 2 maintained to deceased Youraj. Application for maintenance filed by plaintiff No.3 was also rejected. After solemnization of marriage, defendants No.1 and 2 went to Pune. They carried hotel and mess business there up to year 1980. They collected amount from such business. As such, on 28.02.1981 they purchased the suit property from Raosaheb Mane for consideration of Rs.15,000/- out of the income derived from the aforesaid business. Accordingly, sale-deed bearing registration No.1793/1981 was executed in favour of defendant No.1. At the time of aforesaid sale-purchase transaction, defendant No.1 had not worn a garland in the Gandharva style with Plaintiff No.3. She had not went towards defendant No.1. At that time, Youraj was not born. As such, the suit property is self acquired of defendants No.1 and 2. Plaintiff No.3 had no concern with it.

7. Defendants No.1 and 2 had to develop the land out of the suit property. They had to satisfy the private loan. Therefore, defendants No.1 and 2 were going to sell some land out of the suit property. At that time, defendant No.2 brought Rs.2,000/- from her parental relatives. Out of the said amount, defendants No.1 and 2 developed remaining suit property. Father and brother of defendant No.2

purchased land ad-measuring 2 Acre and 20 Gunthas from defendant No.1 in lieu of the aforesaid amount of Rs.2,000/-. Accordingly, on 19.03.1982, sale-deed bearing registration No. 361/1982 was executed in the name of defendant No.2. As such, defendant No.2 was absolute owner of the aforesaid land ad-measuring 2 Acre and 20 Gunthas. Plaintiff No.3 had not worn a garland to defendant No.1 at the time of execution of sale-deed bearing registration No. 361/1982.

8. Deceased Youraj was in need of money for purchasing vehicles to his alleged business. Therefore, he demanded amount to defendants No.1 and 2. Therefore, defendant No.2 sold land ad-measuring 81 R out of land ad-measuring 2 Acre 20 R which was in her name to Mudrikabai Gavhan and paid amount to deceased Youraj for his business. Thereafter, defendant No. 2 brought money from defendant No. 3 to redeem the said land ad-measuring 81 R and acquired it in her own name. Defendant No.2 remained unable to repay amount of defendant No. 3. So also, deceased Yourarj was again in need of money. Therefore, on 13.08.2014, defendants No.1 and 2 sold the suit property to defendant No.3 for consideration of Rs.8,34,000/- for satisfying their aforesaid legal necessity. Accordingly, sale-deeds bearing registration No.3071/2014 and 3072/2014 was executed. As such, defendant No.3 became lawful owner and possessor of the suit property. He

is it's bonafide purchaser. Defendants No.1 and 2 sold their self acquired suit property and paid amount to deceased Youraj for his alleged business. Entire earnings of deceased Youraj are lying with his wife and plaintiff No.3. Presently, defendants No.1 and 2 remained unable to maintain themselves due to sale of the suit property under aforesaid circumstances. They are old aged. They have no source of income. The plaintiffs have no concern with the suit property. They are not members of the joint family. They have no share in the suit property. The false suit is filed in order to avoid making of payment which was made to deceased Youraj. Therefore, the defendants lastly prayed to dismiss the suit.

9. My learned predecessor framed issues vide Exh.18. I reproduce them along with my findings thereon are as under.

| <u>SR.</u><br><u>No.</u> | <u>ISSUES</u>   | <u>FINDINGS</u> |
|--------------------------|---|-----------------|
| 1)                       | Do the plaintiffs prove that plaintiff No.3 is legally wedded wife of defendant No.1?                             | Yes.            |
| 2)                       | Do the plaintiffs prove that the suit property is belonging to the joint family of themselves and the defendants? | No.             |

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|---|--|
| 3) Whether the plaintiffs have share in the suit property ? If yes, to what extent?                     | No.  |
| 4) Do defendants No.1 and 2 prove that the suit property is their self acquired?                        | Had self acquired of deceased defendant No.1 only. |
| 5) Does defendant No.3 prove that, he is bonafide purchaser of the suit property?                       | Yes.   |
| 6) Weather the plaintiffs are entitle to the relief of partition and separate possession as sought for? | No.  |
| 7) What Order and decree?   | The suit is dismissed.                             |

### **REASONS**

10. In support to the claim, the plaintiffs examined plaintiff No.3 (P.W.1) vide Exh.22, Nagnath (P.W.2) vide Exh.57 (Discarded as per order dated 07.12.2022 passed below Exh.01), Netaji (P.W.3) vide Exh.59, Bhalchandra (P.W.4) vide Exh.64, Dattu (P.W.5) vide Exh.65 (Discarded as per order dated 22.08.2023 passed below Exh.01) and Narayan (P.W.6) vide Exh.69. The plaintiffs filed documentary evidence viz. 7/12 extract vide Exh.8 and certificate issued by Grampanchayat Ansarwada showing the members of the family vide Exh.90. In support to defence, the defendants examined defendant No.2 as (D.W.1) vide

Exh.74, Prashant (D.W.2) vide Exh.81, Raosaheb (D.W.3) vide Exh.87 and Sambhaji (D.W.4) vide Exh.89 and defendant No.3 as (D.W.5) vide Exh.91. The defendants filed documentary evidence viz. sale-deed bearing registration No.361/1982 vide Exh.75, certified copy of sale-deed bearing registration No.1096/2014 vide Exh.76, sale-deed bearing registration No.3071/2014 vide Exh.77, sale-deed bearing registration No.1793/1981 vide Exh.88, sale-deed bearing registration No.3072/2014 vide Exh.83.

11. The plaintiffs' learned advocate Shri. U. S. Jadhav submits contents of the plaint and evidence brought on record on the plaintiff's part. He further submits that, the plaintiffs are successors of deceased Youraj who was son of plaintiff No.3 and defendant No.1. Plaintiff No.3 is legally wedded of defendant No.1. The suit property is belonging to the joint family. The plaintiffs have their undivided share in the suit property. Defendant No.3 failed to establish fact of inquiry about legal necessity having in the family of defendant No.1. The plaintiffs succeeded to establish their claim from the material brought on record. He lastly, submits to decree the suit.

12. The defendants' learned advocate Shri. M. R. Jagtap submits contents of the written statement and read over and explained evidence brought on record. He further

submits that plaintiff No.3 is not legally wedded wife of defendant No.1. Defendant No.2 is legally wedded wife of defendant No.1. They purchased the suit property out of the income derived from their Hotel business and joint efforts. Defendant No.2 brought amount from her parental home and purchased the suit property. Defendants No.1 and 2 provided amount to deceased Youraj for his business. The suit property is self acquired of defendants No.1 and 2. The plaintiffs have no shares therein. They are not entitle for claiming the partition. Learned advocate for the defendants lastly, submits to dismiss the suit.

**As to Issue No.1:-**

13. Depositions of Plaintiff No.3, Netaji (P.W.3), Bhalchandra (P.W.4) and Narayan (P.W.6) reveal that, marriage of plaintiff No.3 was solemnized with deceased defendant No.1 on 12.05.1981, in Baswana Temple, Limbala as per Hindu Rites and Rituals. From their valid marriage, they had a son, Youvraj. Deposition of Netaji (P.W.3) reveals that, marriage of his sister plaintiff No.3 and deceased defendant No.1 was solemnized on 12.05.1981. In cross-examination of Plaintiff No.3, Netaji (P.W.3), Bhalchandra (P.W.4) and Narayan (P.W.6), the defendants assert that, defendant No. 1 has only worn a garland in the Gandharva style with Plaintiff No. 3 and plaintiff No.3 also used to live with deceased defendant No.1. Thatby itself

indicates the living together of plaintiff No.3 and deceased defendant No.1 as husband and wife. Moreover, there is no documentary evidence with respect to marriage of plaintiff No.3 and deceased defendant No.1 as well as defendant No.2 and deceased defendant No.1 also. However, at the time of filing the present suit plaintiff No.3 and defendant No.2 were shown as old aged. They are living in rural area. In such circumstances, not having awareness about exact date of marriage as well as not having documentary evidence in that regard may be a common occurrence. On that count only, fact of marriage between plaintiff No.3 and deceased defendant No.1 cannot be discarded. More so, the perusal of entire oral evidence brought on record, it positively makes to infer that, Youvraj was son of plaintiff No.3 and deceased defendant No.1. More so, in cross-examination Netaji (P.W.3) admits that, defendant No.2 fulfilled all responsibilities of Youraj being his step-mother. The defendants suggest to plaintiff No.3, Netaji (P.W.3), Bhalchandra (P.W.4), Bhalchandra (P.W.4) and Narayan (P.W.6) the facts denying valid marriage between plaintiff No.3 and deceased defendant No.1. However, they deny such suggestions. More so, the oral evidence brought on record on the defendants' part does not inspire confidence to hold that, defendant No.2 was first wife of deceased defendant No.1 and they solemnized their valid marriage.

14. More so, Narayan (P.W.6) was asked that, defendant No.2 and deceased defendant No.1 kept Youraj in their house. Narayan (P.W.6) thereby explains that, defendant No.2 and deceased defendant No.1 had beaten to plaintiff No.3. Therefore, she left Youraj there. Such explanation on part of Narayan (P.W.6) itself makes to infer their living together as husband and wife and the existence of marriage between plaintiff No.3 and deceased defendant No.1. More so, the defendants never specifically suggest to the plaintiffs' witnesses that, marriage of plaintiff No.3 and deceased defendant No.1 was not solemnized as per Hindu Rites and Rituals. When, the defendants themselves assert fact of living together of plaintiff No.3 and deceased defendant No.1 and also asserts the Gandharv marriage between them, then the defendants ought to have specifically deny a fact of performance of Hindu Rites and Rituals in marriage of plaintiff No.3 and deceased defendant No.1. There is nothing in oral evidence adduced on the defendants' part to negate the existence of fact that, on 12.05.1981, marriage between plaintiff No.3 and deceased defendant No.1 was solemnized in Baswana Temple, Limbala as per Hindu Rites and Rituals. Considering the entire oral evidence available on record, it makes clear that, the preponderance of probabilities lie in favour of the plaintiff regarding the existence of valid marriage between plaintiff

No.3 and deceased defendant No.1. In such circumstances, it is difficult to hold that, plaintiff No.3 was not legally wedded wife of deceased defendant No.1. On the contrary, the plaintiffs succeeded to establish that, plaintiff No.3 is legally wedded wife of deceased defendant No.1. Therefore, I do not agree with aforesaid submissions of the defendants learned advocate in that regard. As a result, I answer issue No.1 in the affirmative.

**As to Issues No.2, 3 and 6:-**

15. Aforesaid issues are interlinked to each other. Therefore, they are taken together so as to avoid repetition of the facts and evidence brought on record.

16. Plaintiff No.3, Netaji (P.W.3), Bhalchandra (P.W.4) and Narayan (P.W.6) reproduce contents of the plaint in their depositions. Their depositions reveal that, Youraj was son of plaintiff No.3 and deceased defendant No.1 and there was existence of valid marriage between plaintiff No.3 and deceased defendant No.1. As such, the plaintiffs are successors of deceased Youraj. The suit property is belonging to the joint family of deceased defendant No.1. Deceased defendant No.1 and plaintiff No.3 jointly purchased the suit property out of the income derived from their alleged business. The plaintiffs have undivided share in the suit property. Defendants No.1 and 2 sold the suit

property to defendant No.3 without legal necessity and so as to deprive the plaintiffs' rights. The sale purchase transaction effected in favour of defendant No.3 is invalid and not binding on the plaintiffs' rights.

17. Plaintiff No.3 does not know when the suit property was purchased. She cannot tell his Block numbers. She does not know in whose name the suit property was purchased. Similarly, she asserts that, deceased defendant No.1 collected the amount from his Hotel business. Plaintiff No.3 was not present at the time of execution of the sale-deed. She cannot tell how many years they worked. She does not know who was owner of the Hotel. Similarly, she asserts that, since year 1968, she was also living with defendant No.2 and deceased defendant No.1 at Pune. They used to live together.

18. Netaji (P.W.3) does not know where plaintiff No.3 and deceased defendant No.1 carried their Hotel business in Pune. He admits that, deceased defendant No.1 alone had purchased the suit property. Netaji (P.W.3) is unaware of purchase of the suit property by deceased defendant No.1 prior to birth of Youraj. Similarly, he does not know in year 1967 defendant No.2 and deceased defendant No.1 went to Pune and carried the Hotel business there for 20 years. He does not know whether the suit property was purchased out

of the income derived from Hotel business. He does not know whether the suit property is ancestral of deceased defendant No.1. He does not know whether defendant No.3 provided financial help to defendant No.2 and deceased defendant No.1 to redeem the suit property which was kept mortgage for providing money to Youraj. He does not know, the suit property was required to be sold to defendant No.3 for providing money to Youraj. Plaintiff No.3 is sister of Netaji (P.W.3). Therefore, he should have aware about the aforesaid facts. However, he shown his unawareness.

19. Similarly, Bhalchandra (P.W.4) is also relative of the plaintiff. However, he does not know details of the property belongs to deceased defendant No.1. He does not know, who purchased the suit property. He does not know, from where the consideration amount was brought for purchasing the suit property. He does not know, where plaintiff No.3 and deceased defendant No.1 were living for their business. He does not know, where they carried the business. He does not know, whether in year 1968 they had been to Pune for carrying the business. The defendants suggest facts contended in the written statement to Bhalchandra (P.W.4). Bhalchandra (P.W.4) shown his unawareness in that regard also.

20. More so, Narayan (P.W.6) also positively asserts that, the suit property was self acquired of deceased defendant No.1. Narayan (P.W.6) admits that, deceased defendant No.1 paid amount to Youraj for his real estate business. He is unaware of fact that, whether deceased defendant No.1 mortgaged his self acquired property and provided financial help to Youraj out of the money derived from such mortgage. Narayan (P.W.6) also asserts that, defendant No.2 and deceased defendant No.1 was living at Pune. He positively asserts that, deceased defendant No.1 purchased the suit property prior to solemnization of his marriage with plaintiff No.3. Narayan (P.W.6) also shown unawareness about the facts suggested from the written statement. Unawareness denotes existence or non existence of the facts with respect to which unawareness is shown.

21. Defendant No.2 reproduces contents of the written statement in her deposition. Her deposition reveals that, the suit property is self acquired of herself and deceased defendant No.1 and herself and deceased defendant No.1 purchased it out of the income derive from their joint efforts. She mortgaged it, so as to provide amount to Youraj for his business. Thereafter, she get redeemed the same by accepting the amount from his brother.

22. In cross-examination, defendant No.2 assets that, deceased defendant No.1 had not received any property from

his father. Defendant No.2 does not know at what price, deceased defendant No.1 purchased the suit property. However, she explains that, deceased defendant No.1 paid consideration amount in that regard. Furthermore, she again explains that, her brother had paid amount for giving consideration for purchasing land ad-measuring 2 Acre and 10 Gunthas out of the suit property to the vendor. Her deposition further reveals that, they did Hotel business near to ABE Chemical, Pimpri Chinchwad. She asserts that, the suit property was having in the name of deceased defendant No.1. Defendant No.2 shown unawareness about some facts from the written statement. Defendant No.2 admits that, every transaction of sale-purchase were effected by deceased defendant No.1 and their sale-deeds bear only her thumb impression. However, itself indicates her presence at the time of getting effected such sale purchase transaction. Furthermore, she asserts her possession on the suit property.

23. In cross-examination, Prashant (D.W.2) also shown unawareness about material facts related to alleged sale purchase transaction. However, he proves execution and attestation of sale-deeds vide Exh.76 and 83. Similarly, Raosaheb (D.W.3) also shown unawareness about material facts related to alleged sale purchase transaction. However, he proves execution and attestation of sale-deed vide Exh.88. So also, the sale-deed bearing registration No. 3071/2014,

3072/2014 vide Exh.77 and Exh.83 are having on record. They disclose alleged sale purchase transaction which is having in his favour. Therefore, even if defendant No.3 admits that, he has not filed his written statement and not signed the same, that by itself does not invalidate sale-deeds bearing registration No. 3071/2014, 3072/2014 vide Exh.77 and Exh.83.

24. If, entire oral evidence including the cross-examination of the defendants' witnesses is perused, it makes clear that, the same does not inspire confidence to certainly hold that, the suit property is belonging to the joint family of the plaintiffs and deceased defendant No.1.

25. More so, the plaintiff suggest fact from the plaint to the defendants' witnesses. They deny the same. The perusal of entire oral evidence of the plaintiffs, it makes clear that, there are variances and discrepancies. Depositions of the plaintiffs' witnesses are self contradictory. In view of the matter, the plaintiffs fail to prove fact that, the suit property is belonging to the joint family of themselves and deceased defendant No.1 or it was purchased out of the joint income derived from joint efforts of plaintiff No.3 and deceased defendant No.1. Deceased defendant No.1 sold it during his lifetime. Consequently, the plaintiffs will not have shares in the suit property as alleged. In such circumstances, the

plaintiffs do not become entitle for partition and separate possession in the suit property. Therefore, I do not agree with aforesaid submissions of learned advocate for the plaintiffs in that regard. As a result, I answer issues No.2, 3 and 6 in the negative.

**As to Issue No.4:-**

26. In pleadings as well as oral evidence, the plaintiffs deny that, the suit property is self acquired of defendant No.2 and deceased defendant No.1. Depositions of defendant No.2, Prashant (D.W.2), Raosaheb (D.W.3) and Sambhaji (D.W.4) reveal that, the suit property is self acquired of defendant No.2 and deceased defendant No.1. Their depositions reveal the existence of the sale purchase transactions as contended. More so, as discussed earlier, the perusal of entire material brought on record it makes clear that, the suit property is not belonging to the joint family of the plaintiffs and deceased defendant No.1. More so, Netaji (P.W.3) admits that, deceased defendant No.1 alone had purchased the suit property. Narayan (P.W.6) also positively asserts that, the suit property was self acquired of deceased defendant No.1. Narayan (P.W.6) admits that, deceased defendant No.1 paid amount to Youraj for his real estate business. Narayan (P.W.6) asserts that, deceased defendant No.1 purchased the suit property prior to solemnization of his marriage with plaintiff No.3. More so, defendant No.2

also explains that, deceased defendant No.1 paid consideration amount. She explains that, her brother paid amount for giving such consideration. However, giving assistance by obtaining amount from someone else or brother, itself is not sufficient to hold that, the suit property becomes self acquired of defendant No.2 also along with deceased defendant No.1. Defendant No.2 also explains that, the suit property was having in the name of deceased defendant No.1. In such circumstances, providing such financial assistance from brother by obtaining amount for payment of consideration, itself indicates that, the suit property was purchased by deceased defendant No.1 by obtaining financial assistance from stranger.

27. More so, defendant No.2 admits that, every transaction of sale-purchase were effected by deceased defendant No.1 and their sale-deeds bear only her thump impression. However, bearing such thump impression on the sale-deed is different from having right to ownership in the property. Moreover, as discussed earlier, the plaintiffs fail to establish that, the suit property is belonging to the joint family of themselves and deceased defendant No.1. When, the plaintiff fail to establish status of the suit property as above, then it's consequence makes to infer that, the suit property is self acquired of deceased defendant No.1. There is nothing in cross-examination of the defendants' witnesses

also which would certainly establish that, the suit property was belonging to joint family of the plaintiffs and deceased defendant No.1. Mere suggestions, denials or creating doubt in that regard itself are not sufficient to hold so.

28. Apart from this, sale-deed vide Exh.75 reveals that, deceased defendant No.1 sold land ad-measuring 2 Acre and 10 Gunthas out of the suit property to defendant No.2 for consideration of Rs.2,000/-. Accordingly, sale-deed vide Exh.75 was executed and registered. Similarly, sale-deed vide Exh.76 reveals that, defendant No.2 purchased land ad-measuring 81 R out of Block No.40/B from one Mudrikabai. Accordingly, sale-deed vide Exh.76 was executed. Similarly, sale-deed vide Exh.88 reveals that, deceased defendant No.1 had purchased land ad-measuring 4 Acre and 22 Gunthas out of Block No.40/C i.e. the suit property from one Raosaheb Mane for consideration of Rs.15,000/-. Accordingly, sale-deed vide Exh.88 was executed and get registered on 28.12.1981. So also, sale-deeds vide Exh.77 and Exh.83 reveal that, defendant No.2 and deceased defendant No.1 sold the suit property to defendant No.3. The aforesaid sale-deeds vide Exhs.75, 76, 77 and 83 support to the averment in the written statement and oral evidence adduced on the defendants' part.

29. The plaintiffs never raised any dispute regarding the sale purchase transactions or sale-deeds vide Exhs.75, 76, 77 and 83 since their execution. The perusal of material available on record including oral evidence, it makes to infer that, the suit property was self acquired of only defendant No.1 and he sold it during his lifetime. In view of the matter, it makes clear that, the defendants succeeded to prove that, the suit property was self acquired of defendant No.1. Therefore, I do not agree with aforesaid submission of the plaintiffs' learned advocate. As a result, I answer issue No.4 as "had self acquired of defendant No.1".

**As to Issue No.5:-**

30. As discussed earlier, it is not disputed for long that, initially the suit property was recorded in the name of deceased defendant No.1. Thereafter, the same was recorded in the name of defendant No.2. The sale purchase transactions between defendant No.2 and deceased defendant No.1 as well as Raosaheb and deceased defendant No.1 have been taken place long back. Material available on record, never discloses that, the plaintiffs raised any issue regarding the aforesaid sale purchase transaction before any other authority. Similarly, it discloses that, the suit property was sold or mortgaged so as to provide financial assistance to Youraj for his business. In such circumstances, it makes to infer that, defendant No.3 is bonafide purchaser of the suit

property. As a result, I answer issue No.5 in the affirmative.

**As to Issue No.7 :-**

31. In view of aforesaid discussion, and findings on Issues No. 1 to 6, the suit will have to be dismissed with costs. In the result, in answer to Issue No.7, I pass following order.

**ORDER**

- 1 The suit is dismissed with costs.
- 2 Decree be drawn up accordingly.

Dictated and pronounced in open court.

Date :16/03/2026  
Place: Nilanga

( R. V. Pande )  
Civil Judge, Senior Division, Nilanga,  
District Latur.