

MHSN020014372011



Order below Exh.67 in
Decree Final No.08/2011

Applicant no.2 filed the present application for modification of preliminary decree passed in Spl.C.S.207/2009 on dated 29/04/2011. As per it, applicant no.1 was given 1/4th share in suit property 1(a) and a share of 5/12 in suit property 1(b). As, applicant no.1 died and is survived by opponent no.1 to 3 as her only legal heirs. Out of which, opponent no.2 and 3 got themselves transposed as applicant no.2 and 3 in the present matter and continued the proceedings. In view of the changed circumstances, the legal heirs of applicant no.1 i.e. applicant no.2 , 3 and opponent no.1 each will have 1/3rd share in the suit properties. Therefore, said modification is necessary for passing further preliminary decree.

(2). To this application, the opponent no.1 filed his say at Exh.74 and resisted the say.

(3). Heard learned advocates of respective parties at length.

(4). Perused application, Exh.1 and the copy of Judgment and decree passed in Spl.C.S. no.207/2009.

(5). It reveals that, one Abasaheb Patil died and thereafter his wife i.e. applicant no.1 filed a Spl.C.S.207/2009 for partition and separation of her share in immovable and house properties belonging

to Abasaheb Patil. Accordingly, a decree came be to passed on 29/04/2011 in Spl.C.S.207/2009. The applicant was given 5/12 share in agricultural property and opponent no.1 to 3 were given 1/12 share in it. Whereas, in the house property, the applicant and opponents were equally given 1/4th share in it.

(6). During the pendency of the present final decree proceedings the applicant died. Due to the death of the applicant, her share in the suit properties will devolve upon her legal heirs i.e. application no.2, 3 and opponent no.1.

(7). In view of this, the proportion of shares of the legal heirs of applicant no.1 Malati will be changed. The applicant no.2, 3 and opponent no.1 each will get 1/3rd share in both the suit properties as mentioned in para 1(a) and (b) of Spl. C.S.No.207/2009. Hence, the following order.

ORDER

- (1). The application at Exh.67 is hereby allowed.
- (2). A preliminary decree with the modified share be drawn up accordingly.

Sangli.
Date:-04/11/2024.

(M.M.Rao)
Civil Judge Sr.Dn., Sangli.

CERTIFICATE

I affirm that, the contents of this P.D.F. file are same, word to word as per the original order.

Name of Stenographer	:	P. I. Madrasi
Court	:	Civil Judge Sr.Dn., Sangli
Date	:	04/11/2024
Order signed by the Presiding Officer on	:	05/11/2024
Order uploaded on	:	06/11/2024