

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.26 OF 2016

WITH

SECOND APPEAL NO.25 OF 2016

Smt. Shantabai Kashinath Pagar And Ors. ...Appellants

Versus

Shri. Gopinath Malhari Pagar
(Since Deceased Thr. L.Rs.)

Popat Gopinath Pagar And Ors. ...Respondents.

Adv. Aditi Naikare for the Appellants.

*Adv. Iruin D'Souza a/w Vaibhav Thorve i/b Sugandh B. Deshmukh for
Respondent No. 3.*

Adv. Akshay Kulkarni i/b A. M. Kulkarni for Respondent Nos. 1a & 1b.

Coram : Sharmila U. Deshmukh, J.

Date : March 13, 2024.

P. C. :

1. Heard.

2. **Admit** on the following substantial question of law.

“Whether the Trial Court committed an error in law by not directing the partition of the property bearing survey No. 76/1 after arriving at a conclusion that the land bearing survey No. 76/1 was purchased from the income of the joint family and is not self acquired property of Vishwanath ?”

3. Mr. Akshay Kulkarni, learned counsel waives service on behalf of

Respondent Nos. 1a and 1b and Mr. Irvin D'Souza, learned counsel waives service on behalf of Respondent No. 3.

4. Call for record and proceeding.
5. Printing dispensed with.
6. Private paper book be filed within a period of one week from today.

[Sharmila U. Deshmukh, J.]