

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.405 OF 2020

Ramchandra Daulat Jadhav since deceased through legal heirs Lahanubai Ramchandra Jadhav & Ors.	...Appellants
Versus	
Suresh Daulat Jadhav & Ors.	...Respondents

Mr. Anilkumar K. Patil a/w. Mr. Manish Khadakban, for the Appellants.

Ms. Rachna Harpale i/b. Sagar Kasar, for Respondent No.1.

CORAM : MADHAV J. JAMDAR, J.

DATED : 3rd JANUARY 2023

P.C. :

1. Heard Mr. Patil, learned counsel appearing for the Appellants and Ms. Rachna Harpale, learned counsel appearing for Respondent No.1.

2. The Second Appeal is admitted on the following substantial questions of law.

(a) Whether it was gross error on the part of the learned Courts below to hold that the Respondent has $\frac{1}{2}$ share in the suit property even though the Respondent No.1 was already given his share of land in earlier family partition?

(b) Whether the Courts below failed to appreciate the fact that the Respondent No.1 herein himself have admitted at the time of evidence that

Sonali

the property bearing Gat No.230/1 admeasuring 3 Acres and Gat No.276/2 was given to his share by the Appellants?

(c) Whether findings of the Courts that the properties are sold by Plaintiff for family necessity are legal and proper?

(d) Whether the properties sold by the Plaintiff are required to be allotted to his share assuming that there is no previous partition as they are sold for clearing his personal loan?

[MADHAV J. JAMDAR, J.]