

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

SECOND APPEAL NO.635 OF 2019

Smt. Sulochana Gajanan Abnave & Ors. ...Appellants
Versus
Shri Mahadeo Baban Abnave and Ors. ...Respondents

Mr. Deepak Pandey for the Appellants.
Mr. Chaitanya B. Nikte for the Respondent No.14.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 7th FEBRUARY 2023**

P.C. :

1. Heard Mr. Pandey, learned counsel appearing for the Appellants and Mr. Chaitanya Nikte, learned counsel appearing for the Respondent No.14. Admit on the following substantial questions of law:

- (I) Whether the learned First Appellate Court is right in holding that the Plaintiffs are not Class-I heirs of common ancestor- Shankar Abnave?
- (II) Whether relevant date for deciding Class-I heirs is the date of transaction i.e. 18th December 2004 and 10th December 2004 ?
- (III) Whether the Plaintiffs are entitled to preferential rights under section 22 of the Hindu Succession Act, 1956?

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(IV) Whether heirs of Namdev are Class-I heirs for determining preferential right to acquire property as envisaged under section 22 of the Hindu Succession Act, 1956?

2. Mr. Nikte, learned counsel appearing for the Respondent No.14 waives service of Second Appeal.

[MADHAV J. JAMDAR, J.]