

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

SECOND APPEAL NO.872 OF 2015

Smt.Sunanda Manohar Nigudkar .. Appellant
Vs.
Prakash Bhagwan Mehta & Ors. .. Respondents

Mr.Rajesh Patil for the appellant.
None for the respondents.

CORAM : R.D. DHANUKA, J.
DATE : 28th January 2016

P.C.

. Admit on the following substantial questions of law :-

- (i) Whether the finding of the Lower Appellate Court that the suit was barred by law of limitation is perverse on the ground that the plaintiff was not even aware of the purported Sale Deed dated 30th November 1988 ?
- (ii) Whether the Lower Appellate Court could have rendered a finding that the Sale Deed dated 1st November 1996 between the defendant nos.2 and 3 is legal, valid and binding on the plaintiff though no written statement was filed by the defendant no.3 nor oral evidence was led on that issue ?
- (iii) Whether to render the property as joint family it is essential to prove that the family was possessed of some property with the income of which the property could have been acquired or from which the presumption could be drawn that all the property

possessed by the family is joint family property or that it was purchased with the joint family funds or by joint labour ?

- (iv) Whether the party claiming any particular property as joint family property, the burden of proving it as joint family will be on the party asserting the same ?

2. The appellant is directed to file private paper book within six months from today and serve a copy thereof upon the respondents simultaneously.

R.D. DHANUKA, J.