

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

SECOND APPEAL NO.80 OF 2016

Bhiku Padu Jadhav (since deceased)
through his legal heirs

1/1) Namdev Bhiku Jadhav & Ors. .. Appellants

Vs.

Manohar Damu Jadhav & Ors. .. Respondents

Mr.Girish Agrawal for the appellants.

Ms.Deepa Kamath for the respondent nos.1 to 3 & 6 to 9.

Mr.Bhalwal i/by Ms.Hemali Kurne for the respondent no.4.

CORAM : R.D. DHANUKA, J.

DATE : 18th February 2016

P.C.

. Admit on the following substantial questions of law :-

- (i) Whether a decree passed by the Civil Court can be executed if a Certificate of Ownership has been granted under Section 32M of the provisions of Bombay Tenancy and Agricultural Lands Act, 1948 ?
- (ii) Whether the Civil Court had jurisdiction to decide the matters which were subject matter of the civil suit for a declaration that the suit property was ancestral property or the said issue was required to be referred to the appropriate authority under the provisions of Bombay Tenancy and Agricultural Lands Act, 1948 ?
- (iii) Whether the finding of the Lower Appellate Court that the suit property was an ancestral property in which all the legal heirs of Padu Dhondu Jadhav were entitled share in the suit property is perverse ?

2. Learned counsel appearing for the respondents waive service. The appellants are directed to file private paper book within one year from today and serve a copy thereof upon all the respondents.

R.D. DHANUKA, J.