

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**SECOND APPEAL NO.605 OF 2015
WITH SA/606/2015 WITH CA/15223/2015 IN SA/605/2015 WITH
CA/15224/2015 IN SA/606/2015**

**MOHAN BABA KHOMNE
VERSUS
ANJANABAI RAJARAM SHINDE AND OTHERS**

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Advocate for Appellant : Mr. Vikram R. Dhorde
Advocate for Respondent No.1 : Mr. Y. S. Chaudhari
Advocate for Respondent Nos.2A to 2C & 2F : Mr. V. S. Bedre

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CORAM : BHARAT P. DESHPANDE, J.

DATED : 03rd AUGUST 2022

PER COURT :

Learned counsel for appellant invited attention of this Court to the order dated 28-08-2019 passed by this Court while admitting the appeal and directing both the parties to submit undertakings as per clause (vii), within a period of two weeks. He submitted that the appellant has already filed such undertaking.

2. Learned counsels for respondents vehemently submitted that no such undertaking is filed on behalf of them. However, learned counsels for respondents, on instructions, submitted that no third party interest is created

by them in the suit properties. Learned counsels for respondents on the other hand requested two weeks time to submit such undertakings.

3. Learned counsel for respondents pointed out observations of the Apex Court in the case of *Vineeta Sharma Vs. Rakesh Sharma and Others*, reported in *(2020) 9 SCC 1*, and more specifically para 138. Learned counsels for respondents therefore requested that matter be listed for final hearing as directed by the Apex Court.

4. The substantial questions of law framed by admitting appeal are found at page nos.5 and 6 of order dated 28-08-2019. Apart from the questions of law with regard to Section 6 of the Hindu Succession (Amendment) Act, 2005, there are other questions of law, though according to the learned counsels for respondents, are on the basis of counter findings.

5. Learned counsels for respondents to submit undertakings as per clauses (vii) of order dated 28-08-2019, within a period of two weeks. Only thereafter the date for final hearing be fixed.

6. Stand over to 19-08-2022.

(BHARAT P. DESHPANDE, J.)