



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO. 428 OF 2022

DATTA NAMDEO CHAVRE AND ORS.

...**VERSUS**...

VITHHAL S/O. NAMDEO CHAVRE AND ANR.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's order

Shri V.N.Patre, Advocate for appellants.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 29th MARCH, 2023

Issue notice to the respondents, returnable within three weeks, on the following substantial questions of law:-

I) *Whether both the Courts below erred in law in not considering the effect of consent deed Exh. 50 dated 08/05/2003 on the nature of suit land as to whether it was the exclusive property of defendant no. 1/appellant no. 1 and not available for partition ?*

II) *Whether the both the Courts below erred in law in not excluding from partition the land sold by defendant no. 1/ appellant no. 1 to the extent of 1 H 23 R out of suit land field survey no. 200 as respondent no. 1/original plaintiff gave consent for that sale on 08/05/2003 vide document of consent Exh. 50 dated 8/5/2003 ?*

CIVIL APPLICATION (CAS) NO. 1202 OF 2022

Issue notice to the respondents, returnable within three weeks.

In the meanwhile, parties to maintain status quo as on today.

(Smt. M.S. Jawalkar, J.)