



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 375/2023

Somaji Bisen Dead Through Legal Representatives

...VERSUS...

Saganbai Katre & others

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

Court's or Judge's orders

Shri M.R. Joharapurkar, Advocate for the Appellant(s)

Shri A.J. Thakkar, Advocate for the Respondent No. 2

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

OCTOBER 18, 2023

. Heard.

(2) Issue notice to the Respondent(s), returnable within three weeks, on the following substantial questions of law:-

“A. Whether the coparcener cannot execute a Will of his undivided share in the coparcenary property as held by learned Appellate Court, that he can execute a Will Deed only of self acquired property?

B. Whether the learned Appellate Court failed to remand back the matter to the Trial Court to ascertain the legal status of Deceased Appellant Somaji just

because he died on 27/02/2013 after two months of filing the Regular Civil Appeal No. 18/2013?

C. Whether the Appellant Talash though is held to be successor of Deceased Somaji, the further finding of learned Appellate Court that he cannot acquire right and ask for partition of ancestral property is sustainable in law when Somaji executed Will Deed of his undivided share in the properties of the family in favour of Appellant Talash?"

(3) Shri Thakkar, learned Counsel waives notice for the Respondent No. 2.

CIVIL APPLICATION (S) NO. 1382/2023

(4) Issue notice to the Respondent(s), returnable within three weeks.

(5) Shri Thakkar, learned Counsel waives notice for the Respondent No. 2.

(6) In the meanwhile, the parties to maintain status-quo as on today.

(JUDGE)