

Niti

**IN THE HIGH COURT OF BOMBAY AT GOA**

**SECOND APPEAL NO.53 OF 2022**

NAMDEV SHANTARAM  
TANCAR

... APPELLANT

*Versus*

RAMKRISHNA HARI MORJE  
AND ANR.

... RESPONDENTS

**Mr. A. Naik, Advocate for the Appellant.**

**Mr. J.J. Mulgaonkar, Advocate for the Respondents.**

**CORAM: M. S. SONAK, J.**

**DATE : 20<sup>th</sup> OCTOBER 2022**

**P.C. :**

- 1.** Heard learned Counsel for the parties.
- 2.** The appeal is admitted on the following substantial questions of law:

*a. When the pleadings and material brought on record by the Plaintiff establishes that suit property is not partitioned amongst the co-owners whether without analyzing the evidence and material on record the learned First Appellate Court is justified in law to reverse the decree passed in suit of the Plaintiff by the learned Trial Court?*

*b. When the pleadings and material brought on record by the Plaintiff establishes that the Plaintiff have constructed the house in the suit property and which fact has been admitted by the defendant and further without the presence of all co-owners as parties to the counter claim whether the learned First Appellate Court is justified in law to decree the counter claim in toto?*

**M. S. SONAK, J.**

NITI K  
HALDANKAR

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