

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1233 OF 2004

Anant Tukaram Kolamkar
(since deceased through LRs.)
1A.Mrs.Vrunda Anant Kandalgaonkar
and others.

... Appellants.

Versus.

Smt.Radhabai Rajaram Kolamkar.

... Respondent.

Ms.Smita Mane i/by Shri P.B.Shah for the Appellants.

Shri R.V.Bansode for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 17th March, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties.

The following substantial questions of law arise in the

Second Appeal:

(i) Whether the Civil Court has jurisdiction to decide the question as to in what capacity the deceased Anant was holding the property purchased in his name under section 32G of the Bombay Tenancy and Agricultural Lands Act, 1948 ?

(ii) Whether the Civil Court has jurisdiction to decide the question whether the deceased Anant was holding agricultural land exclusively or as a member of the Joint

Family on behalf of the family ?

2. Second Appeal is admitted on the aforesaid substantial questions of law.

3. Printing is dispensed with. The Appellant is directed to file private paper book and decree forms within six months.

Judge.