IN THE HIGH COURT OF JUDICATURE AT BOMBAY
(Civil Appellate Jurisdiction)

SECOND APPEAL NO.106 of 2013

(Shri Sadashiv Pandurang Sutar
and others Appellants

Versus

Kusum Shankar Sutar since
deceased through Shri Shankar
Dattatray Sutar and ors Respondents)

Mr. M.M.Sathaye, Advocate for appellants.
Mr. R.S.Kate, Advocate, for Respondents

CORAM : R.K.Deshpande, J.
DATED : 24th JUNE, 2015.

P.C.

Pandurang was the owner of the suit property and he sold it to his first wife by registered sale deed dated 30.12.1955. The plaintiff being the daughter of the first wife Smt. Dwarkabai, claimed the ownership on the basis of the sale deed dated 30.12.1955.

The learned counsel for the appellants-defendants argues that the property was the ancestral property in the hands of Pandurang and therefore, the defendants, being the sons and grand-sons of Pandurang from the second wife Smt. Shakuntalabai, are entitled to half share in the suit property.

In view of the fact that the registered sale deed was executed in favour of Smt. Dwarkabai on 30.12.1955 for her maintenance, she becomes absolute owner of the suit property by virtue of Section 14(1) of the Hindu Succession Act, as she was in possession of the property on that day. No substantial question of law arises, the second appeal is dismissed.

Consequently, the civil application, if any, stands dismissed.

(R.K.DESHPANDE, J.)

Rvjalit