

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.707 OF 2014**

Shri Revansiddha Dongari Chavan Appellant
Vs.
Sou. Shantabai Walchand Chavan Respondents
& Ors.

None for the Appellant.

Coram: Smt.R.P.SondurBaldota, J.
Date : 28th January, 2015.

P.C.:

As the appellant and advocate are absent, kept back.

Called out again.

On the second call also, the appellant and advocate absent.
Hence, the second appeal is dismissed for default.

Later

Mentioned by Mr. Dhakephalkar, the learned advocate for the appellant.

None for the respondent.

Mr. Dhakephalkar makes an oral application for restoration of the appeal. The application is allowed. The order of dismissal is set aside and the second appeal is restored to file.

(Smt. R.P. SondurBaldota, J.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.707 OF 2014
with
CIVIL APPLICATION NO.1648 OF 2014**

Shri Revansiddha Dongari Chavan Appellant
Vs.
Sou. Shantabai Walchand Chavan Respondents
& Ors.

Mr. S.C. Dhakephalkar, Advocate for the appellant.
None for the respondents.

Coram: Smt.R.P.SondurBaldota, J.
Date : 28th January, 2015.

PC.:

1 This Second Appeal is by defendant no.14 to challenge the concurrent findings of the courts below in a suit for partition filed by respondents no.1 to 4. The other respondents are other defendants. The appellant admittedly is not a family member. He purchased the suit property from respondent no.5 in the face of the order of interim injunction restraining respondent no.5 from creating any third party rights over the suit property. The appellant had contested the suit contending that he is a bonafide purchaser of the suit property. Both the courts below have rejected the defence of the appellant since, admittedly the transaction has taken place in the face of the interim order passed in the proceedings.

2 Mr. Dhakephalkar submits that the courts below have erred in not recognising the rights of respondent no.5 as an illegitimate child though the fact has been brought on record in the proceedings. Even if that is so, the appellant not being a member of the family cannot maintain challenge to the status of any family member. Such ground would be available only to the family member, whose share in the property would get affected by the fact. In view of the concurrent findings of the courts below being supported by the material on record, there is no substantial question of law arising in the appeal, hence the same is dismissed.

3 In view of dismissal of the Second Appeal, Civil Application is disposed of as does not survive.

(Smt. R.P. SondurBaldota, J.)