

SECOND APPEAL NO. 526 OF 2012

Mr. Abhijit M. Adagule, Advocate for appellant.

CORAM : R.K.Deshpande, J.
DATED : 3rd AUGUST, 2015.

P.C.

The trial court decided Regular Civil Suit No. 413 of 2000 on 30.12.2006 in its entirety for partition and separate possession. Regular Civil Appeal No. 59 of 2011 filed by the appellant/original plaintiff has been dismissed by the lower appellate Court on 26.03.2012. Hence, the plaintiff is before this Court.

Though the suit is decreed entirely in favour of the plaintiff, it is the plaintiff who has preferred first appeal and also the second appeal before this Court. The contention of the learned counsel for the appellant is that, some portion of the property is under acquisition and therefore, the decree for partition should have excluded that portion. The contention cannot be accepted as the

acquisition proceedings are yet to be completed. The parties would be entitled to the share in the award. No substantial question of law arises. The second appeal is dismissed.

(R.K.DESHPANDE, J.)

Rvjalit