

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.505 OF 2011

Shri Jagannath Krishna Dhulap .. Appellant.
V/s
Mahadev Ramchandra Dhulap and ors. .. Respondents.

Mr. Dhananjay Rananaware, for the Appellant.
Mr. Sandip R. Khurkute, for the Respondent No.1.

**CORAM : RAVI K. DESHPANDE, J.
DATED : 22nd JULY, 2015**

P.C.

1. The Trial Court has passed a decree for partition and separate possession in Regular Civil Appeal No.396 of 2007 on 25th November, 2010. Plaintiff is entitled to 1/3rd share of the suit property. The Lower Appellate Court has concurred with the finding of the Trial Court in Regular Civil Appeal No.101 of 2010 decided on 23rd March, 2011. Hence, the original defendant No.1 is before this Court on these concurrent findings of the facts.

2. The Lower Appellate Court has held in paragraph-19 that the present appellant has not disputed 1/3rd share of the plaintiff in the suit property. Undisputedly, the suit property was ancestral property and plaintiff being son of Rama one of the three brothers was entitled to 1/3rd share in the suit property. No substantial question of law arises. Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)