

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

SECOND APPEAL NO.767 OF 2011

Chandrakant Atmaram Sankpal & Anr. ... Appellants

V/s.

Smt.Sumati Bapu Sankpal & Ors. ... Respondents

.....
Mr.G.N. Salunke, Advocate for the Appellants.
Mr.Pankaj Das, Advocate for the Respondents.
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CORAM : RAVI K. DESHPANDE, J.

DATED : JULY 6, 2015.

P.C.

The Second Appeal is by the original defendant nos.7 and 10 restricting their challenge to a decree of partition and separate possession in respect of the properties at serial nos.1 and 6 to 12 described in the plaint. Both the Court below have concurrently passed a decree for partition and separate possession in respect of all the properties.

2 In the plaint genealogy was given showing that original ancestral Sambhaji had three sons namely:- Bapu, Vishnu and Tukaram. The plaintiff no.1 claims to be the widow of

grandson of Bapu and plaintiff no.2 claims to be the great grandson of Bapu. The genealogy was annexed to the plaint. Though genealogy was disputed, in the written statement, there was no averment that Bapu was not the son of Sambhaji. The defendants are claiming to be the legal heirs in the branch of Vishnu.

3 The Courts have held that there was a joint family, having properties standing jointly in the name of all the three sons Bapu, Vishnu and Atmaram. The Courts have also held that defendants have not brought any reliable evidence to prove that the suit properties were their separate or self acquired properties. It is also not the claim of the appellants - defendants in the Second Appeal that the suit properties were their self-acquired properties. The case of all the parties is that the suit properties were given by Ravrane Jahagirdar for cultivation. The Courts below have also held that Sambhaji was the common ancestor and the properties devolved upon his sons Bapu, Vishnu and Tukaram. In view of this, no substantial question arises for consideration. Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)