

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL [STAMP] NO.34705 OF 2012

Dhondiram Dadu Gurav Appellant
Vs.
Vishnu Ishwara Gurav & Others Respondents

Shri Sandeep S. Koregave for the Appellant.
None for the Respondents.

CORAM: RAVI K. DESHPANDE, J.

DATED: JULY 13, 2015

P.C:

1. Heard the second appeal on its merit by consent of Shri Sandeep Koregave, learned counsel appearing for the appellant.

2. The Trial Court has passed a decree for partition and separate possession in respect of the suit properties, excluding Gat No.363. The plaintiff is held entitled to half share in the suit properties. The defendants had raised a plea that Survey No.117 and Gat No.493 were self-acquired properties of the father of defendant No.1. Both the Courts below have held that the father of defendant No.1 Dadu was the Karta of the joint family and was cultivating the land owned by the joint family. He was also

having his own independent income of Rs.4,000/-. After taking into consideration the oral and documentary evidence placed on the record, the Courts below have held that the Sale Deeds at Exhibits-81 and 82 are in the name of Dadu. There was sufficient nucleus in the hands of Dadu to purchase these two properties. The finding of fact is a possible view of the matter which does not give rise to any substantial question of law. The Second Appeal is dismissed.

(RAVI K. DESHPANDE, J.)