

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

SECOND APPEAL NO.271/2014

Khemraj s/o Shivram Rahangdale

..Versus..

Shantabai w/o Dhanlal Katre and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 5.10.2015

Heard Shri N.S. Popat advocate h/f Shri D.V. Mahajan
advocate for the appellant, Shri R.M. Pande advocate for
respondent no.1 and Shri R.K. Borkar advocate for respondent
no.2.

Admit on the following substantial question of law :

*"Whether the deletion of Section 23 of the
Hindu Succession Act, 1956 can have
retrospective effect, enabling the respondent
no.1 - plaintiff to seek decree for partition of
dwelling house ?"*

Shri R.M. Pande advocate waives notice for
respondent no.1.

Shri R.K. Borkar advocate waives notice for
respondent no.2.

The appellant shall file private paper book and decree
forms within six weeks.

C.A.S. NO.605/2014

Considering the facts of the case and as the appellant is in possession of the suit property, it is directed that the execution proceedings shall go on and final decree be drawn, however, the possession of the appellant over the suit property shall not be disturbed without seeking leave of this Court. The civil application is disposed of in the above terms.

C.A.S. NO.1312/2014.

The application under Order 41 Rule 27 of the Civil Procedure Code seeking production of additional evidence to be considered at the time of final hearing of the appeal.

JUDGE

Tambaskar.