

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

Second Appeal No.249/2012

**(Ashok Ramaswami Chintale (Chincholkar) .vs. Ramakant Ramaswamy
Chintale (Dead) and ors.)**

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

Court's or Judge's orders.

Mr. S.N. Warulkar, Advocate for Appellants.

CORAM : A.V. Nirgude, J.

DATED : April 07, 2015.

The appeal challenges concurrent findings of the Courts below that the suit house is ancestral property and the respondents/plaintiffs were entitled to share in it along with the appellant/defendant no. 1 and defendant no. 2. The suit house is held to be ancestral property. It was acquired by the father of the parties. While opposing the suit for partition, the appellant/defendant no.1 took up a stand that he who is owner of the entire house, had constructed the house in cement concrete and that other siblings received their shares from father during his life time in a partition. As such the Courts below disbelieved his case and held that the suit property is ancestral property and susceptible to partition. The learned counsel for the appellant now takes a stand that the suit house is very small and cannot be divided by metes and bounds amongst the parties. Said question cannot be raised here but can be raised in execution. Appeal does not give rise to any substantial question of law. Dismissed.

JUDGE

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