

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

SECOND APPEAL NO.379/2011

Arunkumar s/o Narayandas Chourasiya and another

..Versus..

Smt. Pushpa W/o Manoharrao Dashputre 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 : 14.10.2015

Heard Shri V.V. Bhangde advocate for the appellants and Shri

P.A. Markandewar advocate for the respondents.

The following substantial questions of law arise for
consideration :

“(i) Only because the plaintiff was residing in suit property, can it be construed that she possessed the property to attract Section 14(1) of the Hindu Succession Act, 1956 ?

“(ii) Whether a daughter of predeceased son can claim share of her mother's coparcenary interest in suit property acquired by her mother by virtue of Section 3 of the Hindu Womens Right to Property Act, 1937, after her death in 1995 in absence of partition during her life time ?”

The appeal is **admitted** on the above substantial questions of

law.

Shri P.A. Markandewar learned advocate waives notice for the respondents.

The appellants shall file private paper book and decree forms within two months.

C.A.S. NO.773/2011

Until further orders, it is directed that the final decree proceedings shall go on, however, the possession of the appellants over the suit property shall not be taken without obtaining leave of this Court. The civil application is allowed in the above terms.

JUDGE

Tambaskar.