

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

Second Appeal No.354/2014

(Udhao Krishna Padal and ors..vs. Baban Keshao Padal 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. V.N. Morande, Advocate for Appellants.
 Mr. Shrikant Deo, Advocate for Respondent No.1.

CORAM : A.V. Nirgude, J.
DATED : March 18, 2015.

This appeal challenges the concurrent findings recorded by the Courts below that the suit land was allotted to Keshao - the father of the respondents/plaintiffs and not to his joint family. The Courts below, therefore, held that the land allotted to Keshao was his self acquired property and he could not have shared the same with his brothers Udhao and Zibal. The learned counsel for the appellants asserted that his clients could show that the land in question was partitioned during the life time of Keshao and certain shares were allotted to Keshao's brothers Udhao and Zibal. He also pointed out that after Keshao's death, Revenue Officer recorded the name of Baban - respondent/plaintiff alone as his successor leaving behind other successor Kishor who is also party to this litigation.

2. As regards the theory of partition between Keshao and his two brothers, the facts did not support the same. The Courts below did not accept this theory and recorded the finding that the defence was not

proved. As regards the recording of one son's name by Revenue Officer is of no consequence to outsiders such as brothers of Keshao. The appeal does not give rise to any substantial question of law. Dismissed.

JUDGE

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