

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

SECOND APPEAL NO. 31 OF 2015

Shri Chandrakant Vishnu Kadam

Since deceased through his legal heirs

1-A. Smt.Sulochana Chandrakant Kadam & ors. ... Appellants

V/s.

Shri Arvind Vishnu Kadam & ors.

... Respondents.

Mr.P.V.Samant i/b Bhave & Co., for Appellants.

Mr.Rajesh Patil, for Respondent Nos.1, 3 to5.

***Coram : N.M. Jamdar, J.
Thursday 5 May, 2016.***

P.C. :-

The Appellant challenges the concurrent Judgment and Orders passed by the Civil Judge Senior division Malwan and District Judge Sindhudurg at Oros, decreeing the Suit filed by the Respondent-Plaintiff and dismissing the Appeal filed by the Appellants.

2. The Suit was filed for partition of the property. The parties are related as brothers and sisters. The Suit was decreed by the learned Civil Judge on 4 May 2013 granting 1/8th share to the parties. The Appeal was filed by the Appellants in the District Court Sindhudurg at Oros, which was dismissed by Judgment and Order dated 21 July 2014.

3. The learned counsel for the Appellants submitted that the $1/8^{\text{th}}$ share granted to the parties is not correct and it should be $9/56^{\text{th}}$ share to the Plaintiff and Defendant Nos.1, 2, 4, 6 and 7 and the sisters -Defendant Nos.3 and 5 are entitled to $1/56^{\text{th}}$ share. The learned counsel for the Appellants submitted that suit property was purchased through funds generated from the business of printing press which was a joint family business. The land for printing press was purchased in the year 1948 when the children were minors.

4. Both the Courts have rendered a finding of fact that the suit property was purchased by the father and it was his self-acquired property. The Appellants failed to prove the nucleus to substantiate their case that the property was a joint family. Since the property was self-acquired property of the father shares have been correctly granted. No question of law arises. Second Appeal is dismissed.

(N.M. Jamdar, J.)