

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

Second Appeal No.149 of 2012
(Sudhakar s/o Yashwantrao Thote and others v. Pundlik Yashwantrao
Thote and others)

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and Registrar's order

Shri P.S. Tembhare, Advocate for Appellants.
Shri S.R. Borkar, Advocate for Respondent No.1.

Coram : R.K. Deshpande, J.
Date : 18th July, 2016

The appeal was admitted on 29-10-2012 on the following
substantial question of law :

Whether the daughters married prior to 1994 are entitled
to a share equal to that of a coparcener, in a suit for
partition filed in the year 2001, in view of the amended
provision of Section 6 introduced on 09.09.2005?

Heard the learned counsels appearing for the parties, who
have invited my attention to the recent decision of the Apex
Court in the case of *Prakash and others v. Phulavati and others*,
reported in *AIR 2016 SC 769*, and submit that the controversy is
covered by the said decision. Undisputedly, the common
ancestor Yashwantrao died on 8-5-2001, i.e. prior to coming into

force of the Act on 9-9-2005. The suit in question was filed on 22-6-2001. The Trial Court passed a decree for partition and separation possession on 10-3-2008, which is required to be maintained in this appeal, in view of the decision of the Apex Court, cited supra.

The substantial question of law is, therefore, answered accordingly.

The second appeal is dismissed. No order as to costs.

Judge.

Lanjewar

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

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P.D. Lanjewar,
PS to Hon'ble Judge