

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

Second Appeal No.383 of 2015
(Sitaram Raghoji Sahare v. Motiram Raghoji Sahare and others)

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court's or Judge's orders
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Shri A.V. Gawande, Advocate for Appellant.
Shri J.J. Chandurkar, Advocate for Respondent Nos.1(i to v) and 2.

Coram : R.K. Deshpande, J.
Date : 20th June, 2016

The Trial Court dismissed the suit for partition and separate possession. The lower Appellate Court has also dismissed the appeal. Hence, this second appeal is by the original plaintiff against the concurrent findings of fact.

Both the Courts have recorded the finding that the property in the hands of Raghoji was the self-acquired property. Even if it is held to be an ancestral property in the hands of Raghoji, the partition has been established.

Shri Chandurkar, the learned counsel for the respondent Nos.1(i to v) and 2, has pointed out that there was in fact the partition of the ancestral property after the death of Raghoji. He has invited my attention to the admissions of the plaintiff considered by the Trial Court in para 15 of its judgment, wherein the plaintiff himself has admitted in the cross-examination that after the death of Raghoji, the partition took place in between the plaintiff, defendant No.1 and

Bhagubai. The mutation entry has also been recorded in view of such partition.

Hence, no substantial question of law arises upon dismissal of the suit for partition. The second appeal is dismissed.

Judge.

Lanjewar