

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

Second Appeal No.4 of 2015
(Madanlal Onkarmal Joshi v. Shobha w/o Ghanshyam Joshi and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Smt. R.S. Sirpurkar, Advocate for Appellant.
Shri S.V. Sohoni, Advocate for Respondent Nos.1 and 2.

Coram : R.K. Deshpande, J.
Date : 13th July, 2016

The Trial Court has passed a decree for partition and separate possession of half share of Rupnarayan in the field Survey No.444, area 5.25 HR situated at Mouza Umari on the basis of the Will dated 3-7-1993 at Exhibit 68. Similarly, another suit property located at Jamtha, purchased in the name of Shantabai by the registered sale-deed dated 6-4-1982, is directed to be partitioned in equal share in all the legal heirs of Rupnarayan and the defendants. The property at Survey No.444 was jointly owned by the defendants and Rupnarayan, both having half share in it. There was no challenge raised to the validity of the Will dated 3-7-1993 at Exhibit 68, as a result, the plaintiffs, the daughter-in-law and the son of Rupnarayan, are held entitled to half share bequeathed to them under the Will, excluding the other legal heirs of Rupnarayan. The contention of the defendants that the property was purchased in the name of

Shantabai out of the joint income of the defendants and Rupnarayan has been rejected and the defendants and the legal heirs of Rupnarayan are held entitled to equal share in the suit property. The findings of fact do not give rise to any substantial question of law.

The second appeal is dismissed.

Judge.

Lanjewar