

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5543 of 2017
IN
SECOND APPEAL NO. 875 of 2009

Sk. Bhikan S/o Noor Mohd.

...APPELLANT

VERSUS

Mahammadbee W/o Sk. Afzal and others

...RESPONDENTS

Mr N.K. Kakade, Adv. Holding for Mr G.L. Awale, Adv. For appellant.
Mr Rajendra Deshmukh, Advocate for respondent No.1

CORAM : NITIN W. SAMBRE, J.

DATE : 10th November, 2017

ORAL ORDER :

In view of judgment delivered by the Apex Court on 20th February 2017 expressing that the present Second Appeal involves substantial question of law, the appeal needs admission on the following substantial questions of law

- (a) Whether the suit property is self acquired property of late Shaikh Noor Mohammed, and if yes, whether the plaintiff was entitled to inherit the same as legal representative, in accordance with the provisions of the Mohammedan Law ?

- (b) Whether the suit property is self acquired property of defendant No.1 as has been sought to be established by him, based on documents Exh. 32 to 34 viz. 7/12 extracts, Mutation Entry No. 5711 Exh. 36, Conversion Statement Exh. 54 and 55 and oral evidence at Exh. 50.

2. Hence **Admit.**

3. Let there be notice to respondents, returnable on 18th December 2017.

4. Appellant to file paper book within a period of six months from today. If he fails to file paper book within the stipulated period, the appeal shall stand dismissed without further reference to the Court.

5. Record and proceedings be called.

6. As such, in view of above order, Civil Application No. 5543 stands allowed.

(**NITIN W. SAMBRE, J.**)

pjm