

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL (STAMP) NO. 15291 OF 2016

1) Rangnath Mankaji Shelke
age 64 years occupation agriculture

2) Ganapati s/o Mankaji Shelke,
age 51 years occupation agriculture

Both R/o Renapur Tal. Pathri Dist. Parbhani,
at present Gultekdi, near Sant Namdeo School,
Pune-37, Dist. Pune

3) Smt. Antikabai W/o Sitaram Awhad,
age 49 years occupation household

4) Smt. Yamunabai w/o Madhav Dukre,
age 61 years occupation household
Nos. 3 & 4 R/o Renapur Tal. Pathri Dist. Parbhani

...APPELLANTS

Versus

Venkati Mankaji Shelke
age 66 yers occupation agriculture
R/o Renapur Tal. Pathri Dist. Parbhani,
at present Limba Tal. Pathri Dist. Parbhani

...RESPONDENTS

Mr Suraj V. Gundre, Advocate for Applicants.
Mr V.C. Solshe, Advocate, holding for Mr M.C. Ghode,
Advocate, for respondent No.1.

CORAM : N.W. SAMBRE, J.
DATE : 7th July, 2017

ORAL ORDER

Heard learned Counsel Shri Gundre for appellants.

(2)

2. Appellants have raised issue as regards admissibility of the sale deed dated 19/05/1960.

3. Shri Gundre, learned Counsel for the appellants would urge that the third brother of the appellants having received property from his wife side, started residing at her native place, and as such, by his conduct and by oral plea, has relinquished his right in the ancestral property.

4. So far as said issue is concerned, it is required to be noted that in the given situation, as is narrated in the factual matrix of the case in hand, it has to be inferred that oral relinquishment is rightly held to be not established by both the Courts particularly, which in any case is not admissible in law, particularly in Hindu Law.

5. In view thereof, in my opinion, the findings recorded by both the Courts below appear to be just and proper. The appeal, which is against concurrent findings, is devoid of merit. Hence the appeal stands dismissed.

(N.W. SAMBRE, J.)

pjm