

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 656 OF 2015
WITH
CIVIL APPLICATION NO. 1392 OF 2015

Shri. Ramchandra Babu Gadiwan ... Appellant

Versus

Shamrao Babu Gadiwan
since deceased through his LRs
Smt. Dhondubai Shamrao Gadiwan and others ... Respondents

Mr. Vijay Killedar for the Appellant/Applicant.
Mr. Rahul Kulkarni for the Respondent Nos.1A to 1C and 2.

CORAM : S.J. KATHAWALLA, J.
DATED : 27th SEPTEMBER, 2017

P.C.:

1. Heard the learned Advocates for the parties. The above Second Appeal is admitted on the following substantial questions of law :

(a) Whether the Trial Court erred in observing that the suit property was thrown by the Appellant in common stock and by virtue of principle of blending, the said one half portion of land bearing Block No. 1041 ceases to be self-acquired property of the Appellant ?

(b) Whether the Appellate Court erred in not dealing with the above observations/findings of the Trial Court ?

(c) Whether the court below after observing that the Appellant has proved

that one half portion of land bearing Block No.1041 was gifted by Shri. Bhagwansingh Khardekar to the Appellant and the said fact was categorically admitted by the Plaintiff's witness in the cross-examination ?

(d) Whether the Court below erred in holding that the Plaintiffs shall have 7/24th share each in the suit properties ?

2. The printing of paper book is dispensed with. The Appellant shall, however, file a private paper book containing papers and proceedings before the Courts below within a period of 12 weeks from today.
3. Hearing of the above Second Appeal is expedited.
4. In the event of the parties arriving at settlement, they shall get liberty to move this Court for necessary orders.

(S.J.KATHAWALLA, J.)