

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 670 OF 2016
ALONG WITH
CIVIL APPLICATION NO. 1344 OF 2016

Babu Dashrath Dabade,

Since deceased represented through

his heirs and legal representatives ... Appellants / Applicants

Versus

Gangubai Laxman Sawant,

Since deceased represented through

her heirs and legal representatives ... Respondents

Mr. Dushyant Pagare for the Appellants / Applicants.

Mr. Bhimrao Powar for Respondent No. 1A.

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

P.C.:

1. Heard the learned Advocates appearing for the Appellants / Applicants and Respondent No. 1A.
2. The above Second Appeal is admitted on the following substantial question of law :
 - i. Whether the Courts below are justified in holding that the deceased Respondent No. 1 is / was entitled to a share in the Suit property ?
3. The printing of paper book is dispensed with. The Appellants / Applicants

shall however file a private paper book containing the relevant documents and serve copy in advance on the other side within a period of six weeks from today.

4. Pending the final hearing and disposal of the above Second Appeal, the parties shall maintain status quo in respect of the Suit property as of today.

5. The procedure with regard to measurements etc. of the Suit property directed to be partitioned may continue, but the actual / physical possession of the partitioned property shall not be handed over to the Respondents.

6. The above Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)