

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

SECOND APPEAL NO. 3 OF 2016
Along with
CIVIL APPLICATION NO. 4 OF 2016

Shri Hanumant Laxman Gaikwad & ors. .. Appellants
Vs
 Shri Nivritti Laxman Gaikwad & ors. .. Respondents

Mr.K.B.Sonwalkar, for Appellants / Applicants.

Coram : N.M.Jamdar, J.
Date : 24 April 2017.

Oral order :

The Appellants / Original Plaintiff Nos.1 to 7 filed Regular Civil Suit No.371 of 2000 seeking partition of the suit property. The learned Civil Judge Malshiras, Solapur by judgment and decree dated 24 November 2011 partly decreed the Suit and declared that the parties have 1/6 th share in the suit property. The Appeal No.15 of 2012 was filed by the Appellant in the District Court, Malshiras. The learned District Judge disposed of the Appeal by judgment and order dated 19 August 2015 and declared that the Plaintiff Nos.1, 2, 7, 8 and 9 have 1/6 th share and passed consequential directions.

2. Heard learned counsel for Appellants.

3. As far as the present Appellants are concerned, their relationship with the Respondents is admitted. Both the Courts have recorded a finding that the properties are joint family properties and the Courts have proceeded to specify the shares as each party is entitled. Nothing was shown that either properties were not joint family properties nor the relationship was disputed. In these circumstances, there is no substantial question of law. Second Appeal is accordingly dismissed. Civil Application also stands disposed of.

(N.M.Jamdar, J.)