

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.465 OF 2016

Shri. Vishnu Shravan Sasane & Ors. .... Appellants

Vs.

Smt. Ranubai Raghunath Sasane & Ors. .... Respondents

Mr. Rahul Motkari for the Appellant

Coram : **N.M. Jamdar, J.**

Date : 11 April, 2017

P.C.:

The Appellants challenges the concurrent judgment and orders passed by the learned Civil Judge, Junior Division, Nasik and the learned District Judge, Nasik dismissing the suit of the Appellants filed by the Appellants for partition of the suit property and also the appeal filed by the Appellants.

2           The Appellants, by filing Suit No. 485 of 2010, sought partition of the property, survey No.39/2. According to the Appellants,

this particular property had remained to be partitioned and the Appellants were entitled to the share therein. The learned Civil Judge, Junior Division dismissed the suit by the judgment and order dtd. 22 November 2012 and the Regular Civil Appeal No. 27 of 2013 filed by the Appellants was dismissed by the learned District Judge.

3            Heard the learned counsel for the Appellants.

4            The suit property in question was examined by both the courts. This property was earlier standing in the name of Gram Panchayat and in the crop cultivation column, the use has been described as for grazing cattle. Both the Courts considered the mutation entry as well as the government record and rendered a categorical finding that the name of Raghunath was entered into the revenue record not as heir of deceased Sakharam Sasane, but having been granted by the government. Considering this position, both the courts recorded the finding that the property in question was not a joint family property. Nothing is shown how this conclusion is perverse. Argument made is regarding assessment of evidence. No question of law arises. The Second Appeal is accordingly dismissed.

*(N.M. Jamdar, J.)*