

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.268 OF 2016

SMT. NITA WD/O KHUSHAL PALE AND ANOTHER
VS
SMT. KANTABAI WD/O PANJABRAO PALE

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V. G. Bhamburkar, Advocate for the appellant.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 19, 2017.

The defendants are aggrieved by the decree for partition passed by the appellate Court.

The plaintiff was the mother of one Khushal who had received suit properties in the partition that took place in the year 2005. After the death of Khushal on 11-3-2008, his mother filed suit for partition of the property that had come to her son's share. The suit was filed against widow and the granddaughter. The trial Court has granted 1/3rd share in the suit property.

After hearing Shri V. G. Bhamburkar, learned Counsel for the appellants, I find that the plaintiff being Class-1 heir she was entitled for 1/3rd share in the properties that were exclusively owned by Khushal. This conclusion has been arrived at in the light of the evidence that two other

brothers of Khushal namely Pramod and Sharad had also become owners of their separate properties after such partition.

Considering this position of evidence on record, I do not find that the appellate Court committed any error in granting 1/3rd share in the suit properties to the plaintiff. The second appeal does not give rise to any substantial question of law. The appeal is, therefore, dismissed. No costs.

JUDGE

/MULEY/