

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

SECOND APPEAL NO.274 OF 2016

MAYANK S/O NILAYBABU SHAH
VS
SAU. DARSHANA W/O DHIRAJ BAND

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

Court's or Judge's orders

Shri P. A. Kadu, Advocate for the appellant.
Sri K. B. Zinjarde, Advocate for the respondent.

CORAM : A.S. CHANDURKAR, J.
DATED : JUNE 27, 2017.

The appellants are the original plaintiffs who have filed suit for partition and separate possession against their mother. It is their case that they were born out of wedlock between their mother and one Nilaybabu Shah. A decree of divorce came to be passed on 29-11-2008 between their parents. As the defendant received her share in other civil proceedings from her parental side, they were also entitled to a share in the said property.

The trial Court as well as the appellate Court held against the plaintiffs on the ground that by virtue of provisions of Section 6(2) of the Hindu Succession Act, 1956 the defendant had become absolute owner of the property that she received by virtue of compromise dated 14-1-2010 in Regular Civil Appeal No.29/08. The property received by her was as a member of the coparcenary of her father.

After hearing the learned Counsel for the parties and after perusing the impugned judgment, I do not find that both the Courts committed any error in holding against the

appellant. The divorce between the parents of the appellant took place on 29-11-2008. The respondent received her share of coparcenary property from her parental side on 14-1-2010. On receiving this property, the same became her absolute property.

In that view of the matter, no fault can be found with the impugned judgment by which the suit came to be dismissed. No substantial question of law arises. Second appeal is dismissed. No costs.

JUDGE

/MULEY/