

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

SECOND APPEAL NO.394 OF 2016

Kishor Lingareddy Addiwar

..VS..

Mirabai Ravindrareddy Kalyamwar and anr

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

Court's or Judge's Order

Shri Nikhil Gaikwad, Counsel for the appellant.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 27, 2017.

1. **Heard learned counsel Shri Nikhil Gaikwad for the appellant. None for the respondents though they are served.**
2. **The present appeal is ADMITTED on the following substantial question of law:**

The common ancestor - Lingareddy having died intestate, whether the defendant no.1 would be dis-entitled to get any share from his property on the ground that said defendant no.1 had already received his share from the ancestral property?

Civil Application (CAS) No.851 of 2016

1. **Heard.**
2. **Notices on this application for grant of**

.....2/-

Stay were issued on 14.8.2017 and the possession of the applicant was protected.

3. Heard learned counsel Shri Nikhil Gaikwad for the applicant. None for the non-applicants though they are served.

4. Today, the appeal is admitted since it involves a substantial question of law.

5. According to the applicant, the applicant is in possession.

6. In that view of the matter, the application is allowed.

7. During the pendency of this second appeal, possession of the applicant over the suit field shall not be disturbed subject to condition that the applicant shall not create any third party interest in respect of the suit property nor shall hand over the possession to anybody.

8. The civil application is allowed and disposed of.

JUDGE

!! BRW !!

...../-