

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

Second Appeal No.435 of 2015
(Ganpat Vithoba Daf v. Smt. Vithabai Gajanan Waghmare and others)

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

Shri A.K. Choubey, Advocate for Appellant.
Shri Abhay Sambre, Advocate for Respondent Nos.1 to 3.

Coram : R.K. Deshpande, J.
Date : 16th January, 2017

The Trial Court decreed the suit for partition and separate possession. The lower Appellate Court has dismissed the appeal. Hence, the original defendant No.1 is before this Court in this second appeal.

The Courts below have recorded the finding that the suit property was the ancestral property. They have rejected the defence raised by the appellant-defendant No.1 that the plaintiffs had relinquished their share by way of oral relinquishment, and that the Will dated 22-4-1975 was executed by the father in their favour. The will-deed has also not been proved. The plaintiffs, who are the sisters, married prior to 24-9-1994, are held entitled to equal share in the property, which had fallen to the share of the father. Hence, no substantial question of law arises for consideration.

The second appeal is dismissed.

Judge.

Lanjewar