

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

CIVIL APPLICATION (S) NO.890 OF 2016
IN
S.A. ST. NO.14928 OF 2016

SHRI PRABHAKAR UDDHAV JIVTODE AND ANR
VS
SHRI UDDHAV SAMBHA JIVTODE (DEAD) AND SHRI VITTHAL UDDHAV
JIVTODE AND ANR.

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

Court's or Judge's orders

Shri M. B. Turankar, Advocate for the applicants

CORAM : A.S. CHANDURKAR, J.
DATED : AUGUST 08, 2017.

It is submitted that respondent no.2 is the legal heir of respondent no.1 and therefore, the name of respondent no.1 be permitted to be deleted.

The name of respondent no.1 is permitted to be deleted at the risk of the appellant.

Prayer is to condone delay in filing the second appeal. The reasons for the delay are mentioned in pars 2 and 3 of the application. There is no opposition to the said prayer by the respondent nos.2 & 3. Hence, accepting the reasons mentioned in the application, the delay stands condoned.

Civil application is allowed and disposed of.

SAST NO.14928 OF 2016.

Issue notice on the following substantial question of law:

Whether the conclusion arrived at by both the Courts that the alleged partition was acted upon after which the suit property became absolute property of Udhav is based on evidence available on record?

Notice returnable on 21-8-2017.

To be heard along with Second Appeal St. No.14978 of 2016.

JUDGE

/MULEY/