

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

SECOND APPEAL NO.459 OF 2016.

SACHIN S/O SHANKAR MATTE AND OTHERS
VS
SAU. PREMILA W/O EKNATH GOVARDIPE AND ANOTHER

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

Court's or Judge's orders

Shri R. D. Bhuibhar, Advocate for the appellants.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 25, 2017.

The appellants are the original defendants who are aggrieved by the decree for partition passed by the trial Court and maintained by the first appellate Court.

In the suit for partition and separate possession filed by the respondents herein with regard to self acquired property of their father, it was the stand of the present appellants that as the marriage expenses of the respondents was borne by the appellants, they had orally relinquished their shares in the suit property. The trial Court as well as the first appellate Court have found that there was no document of relinquishment executed by the respondents and, therefore, did not accept the plea of oral relinquishment. It was held that such relinquishment of title was required to be in writing. After finding that the suit property was the self acquired property of the deceased Shankar, the parties were granted 1/6th share each.

Shri R. D. Bhuihar, learned Counsel for the appellants is not in a position to legally assail these findings. In absence of any document of relinquishment, the respondents cannot be deprived of their share in their father's property. The second appeal does not give rise to any substantial question of law. The decree as passed is in accordance with law. The second appeal is dismissed. No costs.

JUDGE

/MULEY/