

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
BENCH AT AURANGABAD.**

**34 SECOND APPEAL NO. 229 OF 2017  
WITH CA/3842/2017 IN SA/229/2017**

NARENDRA BHAURAO KAWADE ..Appellant

VERSUS

SATYAWAN BHAURAO KAWADE AND ANR ..Respondents

...

Advocate for Appellant : Shri S.S. Chapalgaonkar

Advocate for Respondent No.1 : Shri M.P. Kale

...

**CORAM : PR. BORA, J.**

**Dated: JUNE 04, 2018**

**PER COURT :**

1. Heard learned Counsel for the appellant and learned Counsel for the respondent.

2. Learned Counsel for the appellant submits that, substantial question of law involved in the present appeal is 'whether non appearance of defendant no.2 can be a ground for denying her the share in the ancestral property, to which she is otherwise entitled for'.

3. On an enquiry made by this Court how the appellant can be said to be aggrieved by the mistake allegedly committed by the Courts below, learned Counsel submitted that, the appellant is not aggrieved because of non-grant of any share to

defendant no.2.

4. The record of the case shows that, original defendant no.2 throughout remained absent in the proceedings. It was brought to the notice of the Courts below that, defendant no.2 has relinquished her right in the ancestral property. Nothing has come on record to disbelieve the said version.

5. In view of the fact that, the appellant does not have any grievance about the decisions rendered by the Courts below, it does not appear to me that, there is any propriety in proceeding with the present Second Appeal. It, therefore, stands disposed of. The question of law raised in the present appeal is kept open to be considered in the event any such proceeding is filed by the aggrieved person.

. Pending Civil Application, if any, stands disposed of.

**(P. R. BORA, J.)**