

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 259 OF 2016
WITH
CIVIL APPLICATION NO. 478 OF 2016

Bhimrao Krishna Bhosale .. Appellant
VS.
Yeshwant Shidu Sankpal & Ors. .. Respondents

Mr. Umesh R. Mankapure for Appellant.
Mr. Surel S. Shah for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 20 FEBRUARY 2018

P.C :

- 1] Heard learned counsel for the parties.
- 2] Admit on the following substantial question of law:
“Whether the trial court and first appeal court were justified in holding and accepting the theory of partition asserted by the plaintiff vide unregistered partition deed in absence of pleading thereof in the plaint?”
- 3] Hearing is expedited.
- 4] Mr. Shah waives service for the respondent no. 1.
- 5] Mr. Mankapure, learned counsel for the appellant, on basis of instructions from the appellant, makes a statement that the appellant will not create any third party rights on the basis of the sale deed which is a subject matter of the suit. In view of the aforesaid statement, the civil application for interim relief is disposed of. Even otherwise, in the facts and circumstances of this case, there is no question of grant of any interim relief in the manner in which it is prayed for.

(M. S. SONAK, J.)