

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 WRIT PETITION NO. 2444 OF 2018

JIJABAI GOKUL MULE AND OTHERS
VERSUS
RAJARAM MAHADU MULE AND OTHERS

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Advocate for Petitioners : Mr. Patil Vinod Prakash
Advocate for Respondent Nos. 1 and 3 : Mr. Bhokarikar Madhav M.

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CORAM : V. K. JADHAV, J.
DATED : 15th November, 2019

PER COURT:-

1. Heard both sides.
2. In terms of Section 6 of Hindu Succession Act, 1956 i.e. 'devolution of interest in coparcenary property' read with Section 8, which speaks about 'general rules of succession in the case of males' the mother of deceased Gokul falls in the category of class-I heirs. Even though the mother cannot claim partition during the lifetime of her husband, however, upon partition claimed by the son, she is entitled for determination of her share. In view of this, I find no fault in the order passed by the court below. There is no substance in this Writ Petition. Hence, the Writ Petition is hereby dismissed.

(V. K. JADHAV, J.)