

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO.261/2019

Biseram s/o Sakharam Khobragade .vs. Pralhad s/o Sakharam Khobragade

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

Court's or Judge's orders.

Mr. Rohit Joshi, Advocate for appellant.

CORAM : V. M. DESHPANDE, J.
DATED : JULY 4, 2019

Heard Mr. Joshi, learned counsel for appellant.

The present appeal is filed by the original defendant, who suffered decrees at the hands of both the Courts below. The respondent herein is original plaintiff who filed a suit for partition against the defendant. Undisputedly, Sakharam, father of appellant and respondent, expired in the year 1947-48. At that time, they were minor and Sakharam's widow Janabai was cultivating the agricultural field survey no. 351. Sakharam was also having house no. 353. It is also an admitted position that the present appellant being elder one, left his education and cultivated land along with Janabai. It is an admitted position that thereafter from and out of the income derived from the agricultural field No.351, two agricultural fields were purchased having field survey nos.292 and 195 and these were purchased in the name of the appellant and the respondent. The dispute pertains to field Gat No. 1000. According to the appellant, this particular field was

purchased in his own name, which was his self acquired property.

Both the Courts below found that the funds generated for acquiring the land Gat No. 1000 was through the income derived from the properties owned jointly.

The appellant could not point out before the Courts below his source of income for purchasing the disputed property. Both the Courts below have rightly found that the plaintiff was having share in the said property. I find no merit the present appeal. The appeal is therefore dismissed. No order as to costs.

JUDGE

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