

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO. 170 OF 2020
WITH
CIVIL APPLICATION (CAS) NO. 158 OF 2020**

Sambhaji Anandrao Deshmukh
(Since deceased) Through LRs. & Ors. ... Appellants
V/s.
Vikram Vishwasrao Deshmukh ... Respondent

Mr.Sanjeev Kadam i/b. Mr.Milind Deshmukh for Appellants.
Mr.Amey Deshpande a/w. Ms.Niyati T. Sontakke for Respondent.

CORAM : A.S. GADKARI, J.
DATE : 23rd November 2021.

PC. :

1. Heard learned counsel for the respective parties.
2. Admit.
3. Following substantial question of law arises for consideration.

“Whether the Appellate Court has appreciated evidence on record in its proper perspective while coming to the conclusion that the Respondent is entitled for ½ share in the suit property?”

Civil Application No. 158 of 2020

4. Record *prima-facie* indicates that, the Appellate Court has erroneously come to the conclusion that the Respondent is further entitled for

½ share in the suit property. It appears that, the finding recorded by the Appellate Court in that behalf is not based on proper appreciation of evidence available on record.

5. In view thereof, interim relief in terms of prayer Clause (a).
6. Civil Application No. 158 of 2020 is accordingly allowed.

[A.S. GADKARI, J.]

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