

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CIVIL APPLICATION (CAS) NO.311/2021 IN
SECOND APPEAL NO.740/2017

Smt Jeejabai w/o Bhaurao Bhoyar, -**VS**- Shri Govinda s/o Keshao Pawankar and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mrs V.P. Thakre, Advocate for appellant.

CORAM : S.M. MODAK, J.

DATE : AUGUST 10, 2021.

This is plaintiff's second appeal. The Trial Court declared plaintiff and defendant nos. 1 to 5 entitled to 1/6th share. Whereas the First Appellate Court has modified the share. Plaintiff and defendant no.5 being daughters were entitled to 1/30th share and defendant nos.1 to 4 entitled to 7/30th shares. I do not think that the decree need to be stayed. If the plaintiff will succeed, she can ask for the modification from the Revenue Authorities.

Hence, the application is disposed of.

SECOND APPEAL NO.740/2017

The paper book is already filed. The appellant submitted that the First Appellate Court has considered the judgment in case of Prakash and others Vs. Phulavati and another and it was subsequently overruled by Hon'ble Supreme Court in case of Vineeta Sharma Vs. Rakesh Sharma and another.

In view of that there is a prayer to fix the matter for final hearing. It will be considered on the next date.

The matter be kept on **07/09/2021**.

JUDGE