

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13599 OF 2022
IN
SECOND APPEAL (ST) NO. 25899 OF 2022
WITH
CIVIL APPLICATION NO. 13600 OF 2022**

Kappusing Chatarsing Gomladu (Rajput)
and Others

..APPELLANTS

VERSUS

Payal Shamdhan Gomladu (Rajput)
and Another

..RESPONDENTS

....
Mr. N.D. Jaiswal, Advocate for appellants
....

**CORAM : R.G. AVACHAT, J.
DATE : 29th SEPTEMBER, 2022**

PER COURT :

1. Heard.

2. There are concurrent findings of fact. The suit for partition and separate possession of the joint family property was filed by the widow and her daughter against her father-in-law and brothers-in-law. The stand of the defendants in the suit was that the father of Plaintiff No.1 i.e. husband of Plaintiff No.2, on receiving a sum of Rs.2 lakhs, gave up his right, title and interest in the suit properties. The defendants thus admit the suit properties to be the joint family properties. They failed to prove their case. It was a findings of fact.

3. However, there is delay of not less than 1197 days in filing the second appeal. After having gone through the averments in the application, the Court finds it not to be a fit case for condonation of delay. In the result, same stands dismissed. In view of the same, civil application for stay does not survive. Same stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD