

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 16992 OF 2022
IN
SECOND APPEAL NO.255 OF 2019**

Sanjay Bhau Mane	...Applicant
In the matter between	
Shri Maruti Dikappa Kurne	...Appellant
vs.	
Sanjay Bhau Mane and Ors.	...Respondents

**ALONGWITH
CIVIL APPLICATION NO. 281 OF 2018
IN
SECOND APPEAL NO.255 OF 2019**

Shri Maruti Dikappa Kurne	...Applicant/Appellant
vs.	
Shri Sanjay Bhau Mane and Ors.	...Respondents

Mr. D.R. Singh a/w Mr. S.B. Deore, Advocate for the Applicant
Mr. Manoj A. Patil Advocate for the Appellant

CORAM : S. M. MODAK, J.

DATE : 21st SEPTEMBER, 2022

P. C. :-

1. There is request for expedite hearing of the matter for the reason that the Respondent No. 1 is serving in Army and he is going to retire in the near future and he will be interested in getting possession of the suit property. It is submitted that earlier also the hearing of this Appeal was

expedited.

2. Learned Advocate Shri Manoj Patil for the Appellant submitted that the issue is very narrow and that is to say whether grandson can take partition after the death of the grandfather. He has relied upon the judgment of *Uttam Vs. Saubhag Singh and Others*¹. Whereas the learned Advocate for the Respondent No. 1 relied upon subsequent judgment in case of *Vineeta Sharma Vs. Rakesh Sharma*².

3. Considering this narrow controversy the hearing of the Appeal is expedited.

4. Interim Application No. 16992 of 2022 is disposed of.

5. Today it is difficult to accept prayer for handing over the possession of the suit land.

6. Hence Second Appeal No. 255 of 2019 is kept on 17/11/2022 for Final hearing. Interim application for expedite hearing is disposed of.

[S. M. MODAK, J.]

1 (2016) 4 Supreme Court Cases 68

2 (2020) 9 Supreme Court Cases 1