

Pallavi

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

**SECOND APPEAL NO.562 OF 2017
WITH
CIVIL APPLICATION NO.1060 OF 2017**

Shri. Ananda Balu Chavan	... Applicant
Versus	
Sou. Sangita Sanjay Rade & Ors.	... Respondents

Mr. Nagesh Y. Chavan, for the Appellant/Applicant.
Mr. P.D. Pise, for Respondent No.1.

**CORAM: MADHAV J. JAMDAR, J.
DATE : 16th DECEMBER, 2022**

P.C.:

1. Heard Mr. Chavan, learned counsel appearing for the Appellant/defendant No.1 and Mr. Pise, the learned Advocate appearing for the Respondent No.1/plaintiff.
2. Respondent No.1 is original plaintiff and he filed suit for partition and separate possession. There is no dispute that as far as the suit properties mentioned in paragraph Nos.1b and 1c of the plaint are the joint family properties and therefore, Mr. Chavan, learned counsel for the Appellant states that the decree passed with respect to the said properties is acceptable to the Appellant.
3. He states that the only dispute is with respect to the property described at clause No.1a in the plaint i.e. Gat No.90 situated at

village Rasulwadi, Taluka Miraj, District Sangli. It is his contention that the suit property is self-acquired property of the defendant No.1.

4. However, the trial Court has recorded a finding that the joint family property is sold on 20th August 1998 and on the very next date, the said Gat No.90 was purchased on 21st August 1998. On the basis of evidence on record, the trial Court has recorded a finding that the property bearing Gat No.90 has been purchased out of the funds of joint family. The said finding is confirmed by the learned First Appellate Court. Hence, there is no substantial question of law in the Second Appeal. The same is dismissed with no order as to costs.

5. In view of dismissal of Second Appeal, nothing survives in Civil Application and the same is disposed of.

(MADHAV J. JAMDAR, J.)