

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

WRIT PETITION 6594 OF 2022

Mr. Shahaji Hanmant Karande

... Petitioner

Versus

Ramchandra Kesu Karande and Ors.

... Respondents

Mr. V. S. Talkute for the Petitioner.

None for the Respondents.

CORAM: ROHIT B. DEO, J.

DATE : 13th JUNE, 2022

P.C. :-

. The petitioner sought to amend the plaint on the premise that his father-defendant 1 died on 14th September, 2020 and that since the defendants 2 to 5 are legitimate children of deceased-defendant 1, they would not be entitled to share an ancestral property and that is why the plaintiff now would be entitled to a larger share.

2. In the first place, it is the duty of the Court to ascertain the entitlement to share. The case of the defendants 2 to 5 is that their mother married defendant 1 in 1977 after the first wife expired in the year 1976. Be that as it may, if the Court ultimately finds that defendant 2 to 5 are legitimate children, the Court shall decide the specific shares after applying the law in force.

3. Needless to observe, that every contention of the plaintiff is kept

expressly open and the learned Trial Court shall adjudicate and ascertain the shares in accordance with law in force.

4. Subject to the observations supra, the petition is disposed of.

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[ROHIT B. DEO, J.]