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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 2266 OF 2022

SHRI. ANAND JAGANNATH JOSHI

....PETITIONER

V/s.

RAMESH CHINTAMAN BAVKAR AND ORS

.....RESPONDENTS

Mr. Aniket P. Ranade Advocate for the Petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 2, 2022.

P.C.:

1) Petitioner-Plaintiff initiated R.C.S. No. 71/2010 for partition and possession. At the time of recording of evidence, the Court below disallowed the question in relation to partition of the Suit property and allocation of share. Mr. Ranade, learned counsel for the Petitioner would urge that the Court below committed an error as the question is relevant in the matter of deciding the issue of partition and apportionment of share as it is always open for the Petitioner-Plaintiff to claim a particular portion or share in the Suit property.

2) Whether the Petitioner, in case if the Suit for partition is decreed is entitled for a particular portion or Hissa number is an issue to be looked into at the time of apportionment of the share and not at this stage. That being so, order of disallowing the question appears to be quite justified. No case for interference in extraordinary jurisdiction is made out. Petition stands dismissed.

[NITIN W. SAMBRE, J.]