

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

**APEAL FROM ORDER NO.60 OF 2018
WITH CA/11613/2018 IN AO/60/2018**

**ANURADHA ALIAS MONIKA NAVNATH TAGAD
VERSUS
NAVNATH PANDURANG TAGAD AND OTHER**

...

Advocate for Appellant : Mr. Latange V.P.
Advocate for Respondent No.1 : Mr. K.N. Shermale
Advocate for Respondent No.8 : Mr. R.C. Bora h/f Mr. R.S. Shinde

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CORAM : S.G. MEHARE, J.

DATED : DECEMBER 05, 2023

PER COURT:-

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. It is unfortunate that this is a dispute between the minor daughter and the father. The mother of the plaintiff/minor daughter has been abandoned as there were matrimonial disputes. The appellant/plaintiff had sought an injunction against the respondents not to alienate the suit property till disposal of the suit.
3. Learned counsel for the respondent would submit that there are various properties, some of which are standing in the name of her uncle. Those properties are their independent properties having no nexus with the properties allegedly claimed to be an ancestral. The uncles of the plaintiff have their own properties, they could not be restrained from enjoying their properties. So far as the

properties standing in the name of father, those may be alienated subject to the rights of the plaintiff.

4. Considering the nature of the dispute and the arguments of the respective counsels, this Court is of the view that a balance may be maintained to protect the rights of both parties. Hence, the following order :

ORDER

(i) The impugned judgment and order of the 7th Joint Civil Judge Senior Division, Ahmednagar in Special Civil Suit No.56/2017 dated 25.07.2018 is set aside.

(ii) If the defendant/father of the plaintiff sells any of the fields standing in his name which is a suit property would be subject to protecting her share.

(iii) As far as the properties standing in the name of her uncle is concerned, its sale if any properties would be subject to final decision of the suit and that alienation of other properties transaction would bind upon them, if the plaintiff proves that those are ancestral properties.

(iv) In view of the above, the appeal from order stands disposed of.

(v) Civil Application No.11613 of 2018 also stands disposed of.

(S.G. MEHARE, J.)