

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

CIVIL APPLICATION NO.15406 OF 2022
IN SAST/29198/2022 WITH SAST/29198/2022

SUMANBAI DEORAO PAWAR DIED MANGAL BHAGWAN
THORAT AND OTHERS
VERSUS
RAMESH DEORAO PAWAR AND OTHERS

...
Advocate for Applicants : Mr. Kotkar Sanjay D.
Advocate for Respondent Nos. 1 & 2 : Mr. P.R. Shinde
h/f. Mr. Rahul R. Karpe

CORAM : R.M. JOSHI, J.

DATE : 06th April, 2023

PER COURT :

1. Learned counsel for the appellants, on instructions, seeks withdrawal of the Second Appeal with liberty to press application i.e. M.A. No. 138 of 2022 filed before execution Court for modification of decree in view of the judgment of the Hon'ble Apex Court in case of *Vineeta Sharma Versus Rakesh Sharma and others*, (2020) 9 SCC 1.

2. Learned counsel for respondent nos. 1 and 2 opposed for any liberty to be given.

3. The issue involved in the present case is about the partition of the ancestral properties. This appeal pertains to the shares

in the property and in view of the law laid down by the Hon'ble Apex Court in case of *Vineeta Sharma* (supra), the shares have changed. It is, therefore, open for the appellants to agitate the said issue before the execution Court and seek modification thereof, if permissible in law.

4. Second Appeal and pending Civil Applications stand disposed of as withdrawn with liberty as prayed. No order as to costs.

[R.M. JOSHI, J.]

SPChauhan