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

**SECOND APPEAL NO. 454 OF 2023
WITH
INTERIM APPLICATION NO. 13706 OF 2023**

Shri. Murgappa Bislappa Karajanagi ...Appellant
Versus
Smt. Shakarevva Basappa Argoddi & Ors. ...Respondents

Mr. Nilesh Wabale & Ms. Bhavika Shinde a/w. Mr. Umesh Mankapure, for
the Appellant.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 24th JULY 2023**

P.C. :

1. Heard Mr. Wabale, learned counsel appearing for the Appellant.
He submitted that substantial question of law involved in this Second
Appeal is that the Plaintiff has failed to prove that the suit property is
the ancestral property.
2. In the present case, the Plaintiff who is the sister of present
Appellant i.e. Defendant No.1 filed suit seeking partition and separate
possession on 21st December 2012. The Defendant No.1 is the present
Appellant. The Defendant Nos. 2 and 3 are other co-sharers. Inspite of

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service of the suit summons, all the Defendants have remained absent. The learned Trial Court after considering the evidence on record of the Plaintiff, has come to the conclusion that suit property is the ancestral property. The Appellant i.e. original Defendant No.1 challenged the said finding by filing Regular Civil Appeal No.225 of 2018. The Appellate Court on the basis of evidence on record as well as documents produced at the stage of First Appellate Court by the Appellant recorded the finding that the suit property is ancestral property. Mr. Wabale, learned counsel appearing for the Appellant failed to point out any perversity in the said finding. Therefore, there is no substance in the substantial question of law raised by Mr. Wabale, learned counsel appearing for the Appellant.

3. The Second Appeal is dismissed, however with no order as to costs.

4. In view of the dismissal of the Second Appeal, nothing survives in the Interim Application and the same is also dismissed.

[MADHAV J. JAMDAR, J.]