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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 52 OF 2023

Ankush Baban Kalbhor & Ors.

...Appellants

Versus

Mohan Baban Kalbhor & Ors.

...Respondents

Mr. Pramod J. Pawar, for the Appellants.

Mr. Rahul S. Kadam, for the Respondents.

CORAM : MADHAV J. JAMDAR, J.  
DATED : 24<sup>th</sup> JULY 2023

**P.C. :**

1. Heard Mr. Pawar, learned counsel appearing for the Appellants and Mr. Rahul Kadam, learned counsel appearing for the Respondents.

2. Mr. Pawar submitted that the following substantial question of law arises in this Second Appeal:-

“Whether the findings recorded by both the Courts that Defendants failed to prove that the children of Plaintiff No.2 are illegitimate children of deceased Baban Kalbhor is in accordance with the evidence on record?”

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3. Both the Courts have concurrently held that it is established that the suit properties are joint family properties which were originally owned by Baban Kalbhor. With respect to the contention that children of Plaintiff No.2 are illegitimate children of deceased Baban Kalbhor, it is the submission of Mr. Pawar that there was no marriage between Baban and alleged 2<sup>nd</sup> wife Anjana and therefore, the children are illegitimate children. However, both the Courts have held that Baban has solemnized 2<sup>nd</sup> marriage with the Plaintiff No.2 i.e. Anjana after the death of 1<sup>st</sup> wife. The Defendants have not produced any documentary evidence to show that 2<sup>nd</sup> marriage was solemnized when the 1<sup>st</sup> wife was alive.

4. Therefore, there is no substance in the substantial question raised by Mr. Pawar, learned counsel appearing for the Appellants.

5. Accordingly, the Second Appeal is dismissed however, with no order as to costs.

[MADHAV J. JAMDAR, J.]