

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.297/2022

Yashwantrao s/o Kodu Sonwane
Vs.
Smt. Dayanbai w/o Bakaram Bhonde

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.R. Borkar, Advocate for appellant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 16/03/2023

Heard learned Counsel for appellant.

2. The suit is filed by plaintiff against the brother-defendant. The Trial Court granted 1/4th share to the plaintiff and 6/9th share to the defendant/brother. The original plaintiff challenged the same in Regular Civil Appeal No.14/2018.

3. The learned Appellate Court modified the order passed by learned Civil Judge, Junior Division, Amgaon relying on judgment passed by the Hon'ble Apex Court in reference matter ***Vinita Sharma Vs. Rakesh Sharma and Ors., AIR 2020 SC 3717*** and allotted 1/2 share each in the suit lands to the appellant/plaintiff and respondent/defendant.

4. In view of the judgment of ***Vinita Sharma*** (supra), it is applicable to the pending proceedings. As such, learned Appellate Court rightly appreciated the facts and evidence in the impugned order. Hence,

there is no substance in the appeal nor any substantial question of law involved in the appeal. As such, it is liable to be dismissed. Accordingly, the Second Appeal stands dismissed.

5. Decree be drawn up accordingly.

JUDGE

R.S. Sahare