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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 557 OF 2015
WITH
CIVIL APPLICATION NO. 454 OF 2014
IN
SECOND APPEAL NO. 557 OF 2015**

Suresh Ajinath Sonawane and anrAppellants

Vs.

Ajinath Ganpat Sonawane and orsRespondents

**WITH
CIVIL APPLICATION NO. 753 OF 2014
IN
SECOND APPEAL ST NO. 1256 OF 2014**

Ajinath Ganpat Sonawane and orsApplicants

Vs.

Bhivrabai Ajinath Sonawane (D/H) and anrRespondents

Mr. Drupad S. Patil for the appellant in Second Appeal No. 557/2015
and for respondents in Second Appeal ST No. 1256 of 2014
Mr. Shubham Shinde for respondent nos. 1 to 11 in Second Appeal
No. 557/2015 and for appellant in Second Appeal ST No. 1256/2014

**CORAM : GAURI GODSE, J.
DATE : 26th NOVEMBER 2024**

ORDER:

SECOND APPEAL NO. 557 OF 2015:

1. Heard learned counsels for the parties. The second appeal raise following substantial questions of law as formulated in ground nos. 1

and 2 in the memo of second appeal which read as under:

“1. Whether Respondent nos. 4-9 (Original Defendants 5-9) who are brother and sisters of defendant no. 1 can get any share in the suit properties which are allotted to the share of defendant no. 1 in the partition effected in the year 1983 by the father of said defendant no. 1, particularly when both Courts have concurrently accepted partition of 1983?

2. Whether the learned Judge of the first Appellate Court was correct in allotting 12/144th share each to respondent nos. 4 to 9 (Original defendant nos. 5 to 9) from out of share of deceased plaintiff (wife of defendant no. 1)?”

3. Learned advocate appearing for respondent nos. 1 to 11 waives notice.

4. Notice is made returnable on 8th January 2025.

CIVIL APPLICATION NO. 753 OF 2014:

5. Though this application is listed on the causelist alongwith connected Second Appeal No. 557 of 2015, office has not placed the papers before me either in soft copy form or hard copy.

6. Learned counsel for the applicant has tendered the copy of Civil

Application No. 753 of 2014 and Second Appeal Stamp No. 1256 of 2014. Same are taken on record.

7. This application is for condonation of delay of 28 days in filing the second appeal. Learned counsel for the respondents has no opposition to condone the delay.

8. In the facts and circumstances of the case, delay is condoned. Application is allowed in terms of prayer clause (b).

SECOND APPEAL ST NO. 1256 OF 2014:

9. Heard learned counsel for the appellants. The second appeal raises the following substantial question of law:

I. Whether appellant no. 2 would be entitled to claim share in Ajinath's share at the time of division of the suit property?

10. Learned advocate appearing for the respondents waives notice.

11. List the Second Appeal on 8th January 2025. To be heard alongwith Second Appeal No. 557 of 2015.

[GAURI GODSE, J.]