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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 143 OF 2024**

Rajaram Shiva @ Shivaji Mane

.....Appellant

Vs.

Tanaji Shiva @ Shivaji Mane and Ors

.....Respondents

Mr. Tejpal S. Ingale for the appellant

Mr. S. A. Rajeshirke for the respondents

CORAM : GAURI GODSE, J.

DATE : 13th DECEMBER 2024.

ORDER:

1. Heard learned counsels for the parties. This second appeal is preferred by the original plaintiff to challenge the concurrent judgments and decrees granting 1/3rd share to the plaintiff and defendant nos. 1 and 2. The plaintiff had prayed for 5/12th share in the suit property. Hence, being aggrieved by the determination of the shares, the plaintiff filed the first appeal which is dismissed. Hence, this second appeal.

2. Learned counsel for the appellants submits that the original holder i.e. father expired on 4th November 2008 before commencement of the Hindu Succession (Amendment) Act, 2005. He therefore, submits that the amended section would not apply to the

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facts of the case and the daughter would not be entitled to seek share. Learned counsel submits that the issue regarding determination of the shares in view of the amended Hindu Succession Act is required to be considered by this Court as the same raises substantial questions of law.

3. I have perused the judgments. The relation between the parties is not in dispute. The plaintiff and defendant no. 1 are brothers and defendant no. 2 is the sister. Defendant no. 3 was mother who expired. Hence, both the Courts have granted equal share to the plaintiff and defendant nos. 1 and 2.

4. In view of the settled legal principles by the Hon'ble Apex Court in the case of *Vinita Sharma Vs. Rakesh Sharma*¹ the arguments raised on behalf of the appellants would not require any consideration by this Court.

5. In view of the concurrent findings recorded by both the Courts on the facts, the second appeal would not raise any question of law. Hence, the second appeal is dismissed.

[GAURI GODSE, J.]

¹ (2020) 9 SCC 1