

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

**SECOND APPEAL NO. 120 OF 2024
WITH
INTERIM APPLICATION NO. 1766 OF 2024**

Kaluram Kesu @ Keshav Salunkhe

and anr.

...Appellants

V/s.

Shalini Shankar Chandane and anr.

...Respondents

Mr. Prasad B. Kulkarni, *for the Appellants.*

Mr. Suyash Sule *i/by. Mr. Drupad Patil, for the Respondents.*

CORAM : SANDEEP V. MARNE, J.

DATED : 20 February 2024.

P.C. :

1) By this Appeal, the Appellants challenge the Judgment and Order dated 20 December 2022 passed by the District Judge, Pune dismissing Regular Civil Appeal No.483 of 2017 and confirming the Judgment and Decree dated 15 June 2017 passed by the Joint Civil Judge Junior Division, Pimpri, Pune in Regular Civil Suit No. 17 of 2013. The only modification that the first Appellate court has suggested in the Decree of the Trial Court is about exclusion of land

in respect of which a Relinquishment Deed was executed. The first Appellate Court has directed that the Plaintiff is entitled to 1/7th share in the suit properties described in the plaint excluding Gat No. 295 admeasuring 34 Ares situated at Village-Chikali, PCMC, Pune.

2) Plaintiff is the sister of Defendants who had instituted Regular Civil Suit No. 17 of 2013 for partition of the suit properties. The suit was defended by the brothers (Defendant Nos.1 to 3) on twin ground of execution of Relinquishment Deed by Plaintiff-Shalini in respect of one of the properties and absence of entitlement in favour of married sister to a share in the joint family property.

3) So far as the first defence of execution of Relinquishment Deed is concerned, though the Trial Court had given one-seventh share to Plaintiff No.1-Shalini even in respect of the land in respect of which relinquishment deed was executed, the first Appellate Court has corrected the error and has directed deletion of land bearing Gat No. 295 from 1/7th share of the Plaintiff. The corrected decree of the first Appellate Court grants direct 1/7th share to the Plaintiff in respect of suit lands except Gat No. 295. Therefore, the grievance of the Appellants in this regard is taken care of.

3). So far as the other issue of entitlement of married sister to claim share in the joint family properties is concerned, the law in this regard is well settled by a judgment of the Apex Court in **Vinita Sharma V/s. Rakesh Sharma & Ors.**, (2020) 9 SCC 1. In that view of

the matter, no error can be traced in the order of the Trial and the first Appellate Court holding the Plaintiff entitled to a share in the joint family property. No substantial question of law is involved in the Appeal. The Appeal is accordingly **rejected**.

4) With rejection of Appeal, the Interim Application does not survive. The same also stands disposed of.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.

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