

varsha

VARSHA
VIJAY
RAJGURU
Digitally
signed by
VARSHA
VIJAY
RAJGURU
Date:
2024.09.10
12:29:38
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 424 OF 2024**

Gajanan Rangrao Karale

... Appellant

vs.

Shri Vijay Rangrao Karale

... Respondent

Mr. Utkarsh Desai i/b. Mr. Prashant S. Bhavake, for Appellant.

CORAM : GAURI GODSE, J.

DATED : 2nd SEPTEMBER 2024

ORDER:

1. Heard learned counsel for the parties. Second Appeal is admitted on the following substantial questions of law:

I) Whether the First Appellate Court erred in not properly appreciating the evidence on record with regard to defendant no. 1's source of income at the time of purchase of the suit property no. 1(c)?

II) Once it is not disputed that there was a joint family of Rangrao, whether the property no. 1(c) purchased in the name of defendant no.1, can be termed as his independent self acquired property, in the absence of any supporting

evidence regarding his independent source of income at the time of purchase?

III) Whether the reasons recorded by the First Appellate Court to reverse the findings of the trial court on the status of the property no.1(c) would amount to not properly appreciating the evidence on record regarding the independent source of income of defendant no1, at the time of purchase of the suit property no. 1(c).

2. In addition to Court notice, learned advocate for the appellant to serve the respondents, by private notice and file affidavit of service.
3. Call for records and proceedings.
4. Printing is dispensed with.
5. Learned advocate for the appellant shall file private paper-book within a period of one year from today.

(GAURI GODSE, J.)