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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 540 OF 2024
WITH
INTERIM APPLICATION NO. 12258 OF 2024
IN
SECOND APPEAL NO. 540 OF 2024**

Mrs. Swarna Pramod Bhujne and anr

.....Appellants

Vs.

Sukumar Gajanan Birajdar and Ors

.....Respondents

Mr. Nitin P. Deshpande through VC a/w Mrs. Anjali S. Shinde for the appellants

CORAM : GAURI GODSE, J.

DATE : 2nd SEPTEMBER 2024

ORDER:

1. Heard learned counsel for the appellants. The second appeal is admitted on the following substantial questions of law:

(i) Whether the appellants would be entitled to claim share in the share of their father received at the time of partition on 5th January 1985?

(ii) Whether in view of section 8 of The Succession Act, 1956 father's share would devolve upon his heirs which would also include the appellants, and, would they be entitled to claim share in the share received by their father.

(iii) Whether on death of father, appellants would be entitled to get share in the share received by the father at the time of earlier partition?

(iv) Whether both the Courts erred in not properly appreciating the legal principles settled in the decision of Apex Court in the case of **Vineeta Sharma Vs. Rakesh Sharma and Others**¹ and whether erroneously refused the share to the appellants in the share received by their father?

2. In addition to Court notice, learned advocate for the appellant shall serve the respondents by private notice and file affidavit of service.

3. Call for record and proceedings. Printing is dispensed with.

4. Learned advocate for the appellant shall file private paper-book

¹ (2020) 9 SCC 1

within a period of one year.

INTERIM APPLICATION NO. 12258 OF 2024:

5. Learned counsel for the applicants seeks leave to amend the application.
6. Leave granted. Amendment to be carried out within four weeks.
7. List the interim application under the caption for “Urgent Orders” on 26th November 2024.

[GAURI GODSE, J.]