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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14346 OF 2024
IN
SECOND APPEAL (ST) NO. 21730 OF 2024

Jankabai Ramdas Kadam and Ors ... Applicants

vs.

Nagarbai Mahadev Wagh and Ors ... Respondents

Mr. Tushar Sonawane h/f. Mr. Prashant Hagare, for Applicants.

Mr. Rahul Kate for Respondent No1.

CORAM : GAURI GODSE, J.

DATED : 18th NOVEMBER 2024

ORDER:

INTERIM APPLICATION NO. 14346 OF 2024

1. This application is for condonation of delay of two days in filing the second appeal. Learned counsel for the applicants submits that the delay is caused due to some technical difficulty in accepting online files. He submits that the reasons are explained in paragraph no.3 of the application.

2. Learned counsel appearing for respondent no.1 who is contesting respondent does not oppose the condonation of delay application. In view of the reasons stated in the application and the negligible delay of two days, notice to rest of the respondents is not

necessary.

3. In view of the aforesaid reasons, delay of two days is condoned and application is allowed in terms of prayer clause (b). Office is directed to register the second appeal.

SECOND APPEAL (ST) NO. 21730 OF 2024

4. Heard learned counsels appearing for the parties. Second appeal raises the following substantial question of law:

I) Whether the shares of the parties determined by the First Appellate Court is in accordance with Section 8 read with Section 10 of the Hindu Succession Act, 1956?

5. Issue notice for final disposal of the second appeal on the aforesaid question of law.

6. Mr. Kate, waives notice on behalf of respondent no.1.

7. Office is directed to issue notice alongwith a copy of this order to rest of the respondents.

8. Notice is made returnable on 15th January 2025.

9. In addition to Court notice, learned counsel for the appellants to serve the respondents, by private notice and file affidavit of service before the next date.

(GAURI GODSE, J.)