



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.5340/2024
(Ankush and another V Namdeo and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.R. Agrawal, Advocate for petitioners.
Mr. P.N. Shende, Advocate for respondent no.5.

CORAM : N.R. Borkar, J.
DATE : 09-09-2024.

. This petition takes exception to the order dated 20-06-2024 passed by the learned District Judge-3, Amravati (below Exhibit-64) in Regular Civil Appeal No.170/2014.

ii. The above appeal arises out of the suit filed by the petitioners for partition.

iii. By the order impugned, the learned District Judge has rejected the application filed by the present petitioners for amendment of the plaint.

iv. The proposed amendment reads thus :

"PROPOSED AMENDMENT"

i) Insert the Following para 10F

5. That in view of the judgment reported in **Vineeta Sharma Vs. Rakesh Sharma AIR 2020 SC 3717**, so far as the share of the plaintiffs and the defendants no.2 to 4 in suit properties each had equal share as under:-

Name	Married on/died on	Share
Plaintiff No.1	Married in 1987	16.66%
Plaintiff No.2	Married in 1922	16.66%
Plaintiff No.3	Married in 1994	16.66%
Defendant No.2	Married in 1962	16.66%
Defendant No.3	Married in 1981	16.66%
Defendant No.4	Married in 1992	16.66%
	Total	100%

That suit properties are the ancestral joint Hindu family coparcenary property and the shares of the plaintiffs and defendants no.2 to 4 in the suit properties are as mentioned above."

v. In a suit for partition or an appeal arising out of such suit, irrespective of rival claims of the parties about the share in the suit properties, it is the duty of the Court to determine the shares of the parties in accordance with the law. In that view of the matter, I am not inclined to entertain the present petition against the order impugned. The petition is dismissed.

(N.R. Borkar, J.)