



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPEAL FROM ORDER NO. 41 OF 2024

Manoramabai Rayaba Chavan
Since deceased through his L.Rs.
Mrs. Vaishali Vijaykumar Deshmukh .. Appellant

Versus

Gopaldas Narayandas Barshikar
Since deceased through his L.Rs.
Pradeep @ Sandip Gopaldas Barshikar
and others .. Respondents

Shri D. R. Shelke, Advocate for the Appellant.
Ms. Aishwarya Tekale, Advocate h/f Mrs. Charuta S. Deshmukh,
Advocate for the Respondent Nos. 1A to 1D.

**WITH
APPEAL FROM ORDER NO. 61 OF 2023
WITH
CIVIL APPLICATION NO. 1066 OF 2024**

Sandip Gopaldas Barshikar .. Appellant

Versus

Subhash Rayba Chavan and others .. Respondents

Ms. Aishwarya Tekale, Advocate h/f Mrs. Charuta S. Deshmukh,
Advocate for the Appellant.
Shri D. R. Shelke, Advocate for the Respondent Nos. 1, 2A, 6, 9
and 10.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH OCTOBER, 2025.**

ORDER :

. These connected appeal from orders shall be decided finally
on the next date on following substantial questions of law.

(i) Whether lower Appellate Court can be said to have committed an error of jurisdiction in remanding the matter to the Trial Court for determination of existence and entitlement of the shares of the parties ?

(ii) Whether impugned order of remand is warranted when there is adequate material on record to decide the claim of partition and separate possession and would the purpose for which impugned order is passed be said to be extraneous ?

(iii) Whether lower Appellate Court is justified in remanding the matter by assuming that the plaintiffs are entitled to 21/80th and defendant Nos. 1 and 2 are entitled to 59/80th share in the joint family properties, when their entitlement is disputed ?

2. Call for record and proceedings.

3. Appeal from orders shall be decided finally on 13.11.2025.

4. Interim relief granted earlier in Appeal from Order No. 41 of 2024 shall be continued till the next date.

[SHAILESH P. BRAHME J.]