



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

SECOND APPEAL NO. 244 OF 2025

Pradip Prabhakar Nagargoje and another.. Appellants

Versus

Sumantabai Ganpati Tidke and others .. Respondents

Shri Ameya N. Sabnis, Advocate h/f Shri V. D. Gunale, Advocate
for the Appellants.

Shri R. P. Adgaonkar, Advocate for the Respondent Nos. 1 and 2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 07TH JULY, 2025.

ORDER :

. At the instance of the learned counsel for the respondent Nos. 1 and 2 stand over to 21.07.2025. List this matter in the same category.

2. Parties shall be at liberty to file paper book on the next date.

3. It is indicated considering peculiar circumstances that an endeavour shall be made to decide the second appeal at the admission stage. Following are the substantial questions of law :

(i) Whether after recording of compromise/relinquishment of shares in favour of plaintiff and upon death of father of the plaintiff there was anything remained to be decided in the

suit as the remaining defendants had denied having any concern with the family of the plaintiff ?

- (ii) Whether on the face of disputed relationship by defendants 1 and 5 in their pleadings and absence of any further clarifications, the defendant No. 5 can raise a challenge to the compromise by filing an appeal ?
- (iii) Whether the respondent No. 2 can claim right in family properties left by the defendant No. 1 in the suit filed by the plaintiff, in the peculiar facts and circumstances of the case ?

4. Issue notice to the respondents for final disposal, returnable on 11.08.2025. Mr. Adgaonkar, learned counsel waives notice for the respondent Nos. 1 and 2.

[SHAILESH P. BRAHME J.]

bsb/July 25