



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 SECOND APPEAL NO. 369 OF 2025

SAHADU MAHADU DUKARE (JAGTAP) AND ORS
VERSUS
RADHABAI CHINTAMAN MARATHE AND ORS

...

Mr. Surendra V. Suryawanshi, Advocate for Appellants.
Mr. Bhushan Ishwar Mahajan, Advocate for Respondent Nos.1, 2b, 2c
and 3.

...

WITH
CIVIL APPLICATION NO. 10311 OF 2025
IN SA/369/2025

SAHADU MAHADU DUKARE (JAGTAP) AND ORS
VERSUS
RADHABAI CHINTAMAN MARATHE AND ORS

...

Mr. Surendra V. Suryawanshi, Advocate for Applicants.
Mr. Bhushan Ishwar Mahajan, Advocate for Respondent Nos.1, 2b, 2c
and 3.

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 24th SEPTEMBER, 2025

PC.:-

1. Learned Advocate for Respondent Nos.1, 2b, 2c and 3 seeks time. Time granted.
2. Stand over to 03.10.2025.
3. Prima-facie, this Court finds that substantial questions of law are involved in this matter. In paragraph No.11 of the plaint, the Plaintiffs have mentioned earlier partition in the family effected on

30.05.1989, which is under Section 85 of the Maharashtra Land Revenue Code, 1966 and which would perfectly fall within the preview of proviso to Section 6 of the Hindu Succession Act. The suit is not filed for reopening of the partition. Whether in such a backdrop, the suit is maintainable is a question.

(SHAILESH P. BRAHME, J.)

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