

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2025 OF 2009

Annaso Sahu Chikkode	}	Petitioner
versus		
Krushnabai Sahu Chikkode, since	}	
deceased, through LR (1A)	}	
Laxmibai Pirgonda Patil & Ors.	}	Respondents

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE
Date: 2025.07.28
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Ms. Mansi Pawar i/b. Mr. Shivaji Masal for petitioner.

CORAM: ALOK ARADHE, CJ.

DATE: JULY 28, 2025

ORAL ORDER:

- 1.** Heard learned counsel for the petitioner.
- 2.** In this petition, under Article 227 of the Constitution of India, the petitioner has challenged the order dated 3rd November 2008 passed by the Trial Court, by which, the application submitted by the petitioner for handing over possession of the share of deceased Late Sahu Chikkode, has been rejected.
- 3.** The Trial Court has held that the adoption has been made without consent of the wife and therefore, the judgment debtor no. 5 was not entitled to claim share on the basis of adoption deed. It has further been held that the defendant no. 1 was not entitled to bequeath the entire share by testamentary document derived from the joint family property without making any provision for his wife.

4. The impugned order, therefore, neither suffers from jurisdictional infirmity nor any error apparent on the face of the record warranting interference of this Court in exercise of power under Article 227 of the Constitution of India.

5. In the result, the writ petition fails, which is, hereby, dismissed.

(CHIEF JUSTICE)