

MJ Jadhav

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 557 OF 2015
WITH
CIVIL APPLICATION NO. 454 OF 2014
IN
SECOND APPEAL NO. 557 OF 2015**

Suresh Ajinath Sonawane and Anr. ... Appellants
vs.
Ajinath Ganpat Sonawane and Ors. ... Respondents

SECOND APPEAL NO. 18 OF 2025

Ajinath Ganpat Sonawane and Ors. ... Appellants
vs.
Bhivrabai Ajinath Sonawane and Ors. ... Respondents

Mr. Dheeraj Patil i/b Drupad Patil for the Appellants in SA/557/2015
and for the Respondents in SA/18/2025.

Mr. Shubham Shinde for the Appellant in SA/18/2025 and for
Respondent No.1 in SA/557/2025.

**CORAM : GAURI GODSE, J.
DATED : 5th FEBRUARY 2025**

ORDER:

1. By order dated 26th November 2024 question of law is framed
in both the second appeals. Hence, both the second appeals are
admitted.

SECOND APPEAL NO. 557 OF 2015

2. The questions of law framed in this second appeal read as under:

“1. Whether Respondent nos.4-9 (Original Defendants 5-9) who are brother and sisters of defendant no. 1 can get any share in the suit properties which are allotted to the share of defendant no. 1 in the partition effected in the year 1983 by the father of said defendant no. 1, particularly when both Courts have concurrently accepted partition of 1983?

2. Whether the learned Judge of the first Appellate Court was correct in allotting 12/144th share each to respondent nos. 4 to 9 (Original defendant nos. 5 to 9) from out of share of deceased plaintiff (wife of defendant no. 1)?”

SECOND APPEAL (ST) NO. 1256 OF 2014 (SA/18/2025)

3. Not on board. Taken on board.
4. The question of law framed in this appeal reads as under:
- “1. Whether appellant no. 2 would be entitled to claim share in Ajinath’s share at the time of division of the suit property?”*
5. Respective respondents in both the second appeals waive notice.
6. Learned counsel for the appellant in Second Appeal No. 557

of 2015 submits that he shall file common private paper book in both the second appeals. Private paper-book to be filed within a period of one year from today.

CIVIL APPLICATION NO. 454 OF 2014

7. This application is for stay of the impugned decree. The impugned decree is for partition and separate possession. During the pendency of the second appeal, there will be stay to the extent of handing over actual physical possession as per the impugned decree.

8. It is clarified that the proceedings for division of the suit property as per the impugned decree shall proceed.

9. Civil Application is disposed of in the above terms.

(GAURI GODSE, J.)