



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.306 OF 2024**

Abbasmiya Ahmad Daud
Through Power of Attorney
Shahin Javid Phansopkar ... Appellant
versus
Alimiya Ahmad Daud and Ors. ... Respondents
WITH
INTERIM APPLICATION NO.8650 OF 2024

Mr. V.Y.Pawar, for Appellant.

CORAM: N.J.JAMADAR, J.

DATE : 11 JUNE 2025

ORAL ORDER :

1. Heard the learned Counsel for the Appellant.
2. This Second Appeal is directed against the judgment and order dated 21 November 2023 passed by the learned District Judge, Ratnagiri in Regular Civil Appeal No.91 of 2019, whereby the appeal preferred by the Appellant against the judgment and decree dated 7 October 2019 passed by the learned Civil Judge, Jr. Division, Ratnagiri, of declaration of shares and partition of the properties described in Schedule 1 and 2 of the plaint, came to be affirmed.
3. Learned Counsel for the Appellant submitted that Respondent Nos.2 and 3, who had relinquished their shares in favour of Respondent No.1 – Plaintiff, could not have relinquished their shares in favour of Respondent

No.1 alone. No consent of the Appellant was obtained to relinquish their shares by Respondent Nos.2 and 3 in favour of Respondent No.1.

4. The Trial Court and the Appellate Court have dealt with these contentions on behalf of the Appellant. There is no prohibition in law for the one co-sharer to relinquish his/her right in the property in favour of another co-sharer, to the exclusion of a third co-sharer. The submission that the Respondent Nos.2 and 3 ought to have obtained prior consent of the Appellant is equally unsustainable. The trial Court as well as the Appellate Court have correctly determined the entitlement of the parties in the suit properties on the basis of the registered Relinquishment Deed. The impugned judgment and order, thus, does not warrant any interference. No question of law, much less, substantial question of law, arises for determination.

5. Second Appeal stands dismissed.

6. Interim Application also stands dismissed.

(N.J.JAMADAR, J.)