

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 24 OF 2024

Ganpati Tayappa Wadar (Chavan) ..Appellant
Versus
Ramchandra Tayappa Wadar (Chavan), Since ...Respondents
Deceased Through Legal Heirs

WITH
INTERIM APPLICATION NO. 479 OF 2024
IN
SECOND APPEAL NO. 24 OF 2024

Mr. Rakesh K. Agrawal, with Sandeep Nirban, for the Appellant.

CORAM: N. J. JAMADAR, J.
DATED : 10th JUNE 2025

ARUN
RAMCHANDRA
SANKPAL

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ARUN RAMCHANDRA
SANKPAL
Date: 2025.06.12
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P.C.:

SECOND APPEAL NO. 24 OF 2024:

- 1.** Heard the learned Counsel for the Appellant.
- 2.** I have perused the impugned judgment and order dated 11th May 2023, passed by the learned District Judge, Sangli. Following substantial questions of law are formulated:

- Q1 Whether the learned District Judge committed an error in drawing an inference of prior partition solely on the basis of the Mutation Entry No. 12231?
- Q2 Whether the learned District Judge committed an error in drawing an inference of prior oral partition, in the light of the admitted position that house properties were partitioned under a Registered Partition Deed?
- Q3 Whether the learned District Judge was justified in drawing an inference of prior partition, without any property being allotted to the Plaintiff in the alleged prior partition, in the absence of a case of relinquishment of the share by the Plaintiff in the suit property?

- 3.** Issue notice to Respondents returnable on 5th August 2025 .
- 4.** In addition to notice through Court, the Appellant is at liberty to serve the Respondents by private service and file an Affidavit of Service.
- 5.** Stand over to 5th August 2025.

INTERIM APPLICATION NO. 479 OF 2024:

- 6.** Issue notice to Respondents returnable on 5th August 2025
- 7.** In addition to notice through Court, the Applicant is at liberty to serve the Respondents by private service and file an Affidavit of Service.
- 8.** Stand over to 5th August 2025.

[N. J. JAMADAR, J.]