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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 306 OF 2017
WITH
CIVIL APPLICATION NO. 639 OF 2017
INTERIM APPLICATION NO. 7971 OF 2024
INTERIM APPLICATION NO. 7976 OF 2024**

Shri Jagdish Govind Farade (Shelar) ... Appellants/Applicants
and Others

Vs.

Smt. Shewanta Pandu Mhatre and Ors. ... Respondents

Mr. Rushikesh G. Bhagat a/w. Mr. Rohit P. Mahadik i/b. M/s.
Khandeparkar and Associates for the Appellants/Applicants.

Mr. D. V. Sawant a/w. Mr. Priyank Kulkarni i/b. P. S. Chambers for
Respondent Nos. 2 to 5, 7, 9 and 10.

CORAM : GAURI GODSE, J.

DATE : 25th APRIL 2025

ORDER :

1. Heard learned counsel for the parties. The second appeal is
admitted on the following substantial questions of law :

(i) Considering the proceeding under Section 32G of The
Bombay Tenancy and Agricultural Lands Act, 1948 where
Balaji was referred to as Karta of the Hindu Undivided Family,

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whether the certificate issued under Section 32M would be sufficient to hold that it was self acquired property of Balaji ?

(ii) In view of the evidence on record, whether Hasha can be held as the original tenant and thus the suit property being ancestral property, whether the branch of Krushna i.e. son of Hasha would also be entitled to seek partition and separate possession?

2. Learned Advocate for the respondents nos. 2 to 5, 7, 9 and 10 waives notice for respondents.

3. In addition to court notice, learned Advocate for the appellants to serve the remaining respondents by private service and file service affidavit.

4. Call for record and proceedings.

5. Printing is dispensed with.

6. Learned Advocate for the appellants shall file private paper book within one year from today.

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7. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 6.

8. Notice is already issued to the heirs and legal representatives

of deceased respondent no. 6. Office report records that court notice is issued to respondent nos. 6(a) to 6(c), but service report is awaited.

9. Stand over to 11th August 2025.

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10. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 1.

11. Notice is already issued to the heirs and legal representatives of deceased respondent no. 1. Office report records that court notice is issued to respondent nos. 1(a) to 1(d), is served.

12. In the facts and circumstances of the case, delay is condoned and the application is allowed in terms of prayer clause (a). Amendment to be carried out within four weeks.

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13. Rule on interim relief in terms of prayer clause (a) and (b) is made returnable on 11th August 2025.

14. Learned Advocate appearing for respondents waives notice in the second appeal and interim application, for the respective respondents.

15. During pendency of the application, the parties shall not create any third party rights in respect of the suit property.

[GAURI GODSE, J.]