

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13689 OF 2024
IN
SECOND APPEAL NO. 628 OF 2024

Balkrishna Motiram Kanade (deceased)
Through His Legal Heirs and ors. ...Applicants
In the matter between
Balkrishna Motiram Kanade (deceased)
Through His Legal Heirs and ors. ...Appellants
Versus
Ramesh Motiram Kanade and ors. ...Respondents

Ms. Veena Thadani, for the Applicants-Appellants.
Mr. Girish Agrawal, a/w Chitra Darekar and Shubham
Jangam, for the Respondents.

CORAM: N. J. JAMADAR, J.
DATED: 17th SEPTEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The Second Appeal is restricted to the decree passed by the trial Court and affirmed by the First Appellate Court with regard to the partition of CL-III 50 License.
3. Having heard the learned Counsel for the parties, the following substantial questions of law arise for determination.

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(i) Whether the Courts below were justified in returning a finding that CL-III 50 License is the joint family and partible property?

(ii) Whether the partition in respect of the rights in regard to CL-III 50 License could be effected by the auction of the said license in the manner directed by the trial Court in clause (6) of the decree dated 25th January, 2006?

4. Since the controversy lies in a narrow compass the Second Appeal be listed for hearing and final disposal on 1st October, 2025.

5. The appellants shall file a private paper-book and serve its copy on the respondents, on or before 26th September, 2025.

6. In the meanwhile, there shall be an interim relief in terms of prayer clause (a) of the IA/13689/2024 with regard to the execution of the decree in respect of CL-III 50 License only.

7. IA/13689/2024 stands disposed.

[N. J. JAMADAR, J.]