

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.306 OF 2025
WITH
INTERIM APPLICATION NO.7383 OF 2025**

Dhondibai @ Tanubai Jivaba Patil
(deceased) through LRs Shakuntala
Baliram Bhosale and Ors. ... Appellants

versus

Dhondur @ Dhondibai Yallappa Patil
(deceased) through LRs Ananda
Yallappa Patil and Ors. ... Respondents

Mr. Omkar Kulkarni i/by Mr. Ganesh Palve, for Appellants.

CORAM: N.J.JAMADAR, J.

DATE : 13 JUNE 2025

P.C.

1. Heard the learned Counsel for the Appellants.
2. The following substantial questions of law arise for determination :
 - (i) Whether the learned District Judge was in error in returning a finding that the Plaintiff was entitled to 1/3 share in the suit property, though the father of the Plaintiff had passed away on 21 February 1933 before the enactment of Hindu Succession Act, 1956 ?
 - (ii) Whether the Appellate Court was correct in holding that the then prevailing Hindu Law was in derogation of the Hindu Waarsacha Nibandh of Kolhapur Princely State, under which the daughters were not entitled to succeed to the estate of a Hindu male and, in the

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absence of a son, the estate would devolve on the widow of the male Hindu ?

3. Issue notice to the Respondents, returnable on 8 August 2025.
4. In addition to notice through Court, the Appellants are at liberty to serve the Respondents by private service and file an affidavit of service.
5. Call R and P.
6. Printing dispensed with.
7. Appellants shall file private paper book within a period of eight weeks.

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8. The Appeal deserves consideration on the substantial questions of law formulated above. Since the entitlement of the Respondents – Plaintiff is debatable, it may be expedient to stay the execution and operation of the impugned judgment till the application is decided after providing an opportunity of hearing to the Respondents.
9. Issue notice to the Respondents, returnable on 8 August 2025.
10. In addition to notice through Court, the Appellants/Applicants are at liberty to serve the Respondents by private service and file an affidavit of service.
11. In the meanwhile, there shall be an ad-interim relief in terms of prayer clause (a) of the Application.

(N.J.JAMADAR, J.)