

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 184 OF 2025
WITH
INTERIM APPLICATION NO. 3124 OF 2025
IN
SECOND APPEAL NO. 184 OF 2025**

Mahaveer Devappa @ Bhupal Paraje ... Appellant/Applicant
Patil

vs.

Kaushik Maniklal Shah and Ors. ... Respondents

Mr. Prajakt Arjunwadkar for the Appellant/Applicant.

CORAM : GAURI GODSE, J.

DATED : 5th MARCH 2025

ORDER:

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

(I) Whether the findings recorded by the first appellate court in paragraph no.13 of the judgment for determination of the shares are in accordance with the applicable Hindu Law, at the relevant time and the applicability of the provisions of the Hindu Succession Act, 1956, in as much as the original ancestor i.e.

Babu expired in the year 1954?

(II) Whether in view of the death of Babu prior to 1956 the suit property devolved upon defendant no.5 being a widow and defendant no.1 being son equally?

(III) Whether in view of Section 15 read with Section 14 and Section 8 of the Hindu Succession Act, the determination of shares made by the first appellate court would be sustainable?

(IV) Whether the impugned judgment and decree would require modification regarding determination of shares by applying the correct provisions of the Hindu Law pre 1956 and post 1956?

3. In addition to the Court notice, learned advocate for the appellant shall serve the respondents, by private notice and file affidavit of service.

4. Call for records and proceedings.

5. Printing is dispensed with.

6. Learned advocate for the appellant shall file private paper-book within a period of one year from today.

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7. Rule on interim relief in terms of prayer clauses (b) and (c) is made returnable on 4th July 2025.
8. Learned counsel for the appellant submits that during the pendency of the first appeal, the trial Court's decree is already executed and possession is also handed over.
9. Hence, during the pendency of the application, there will be ad-interim relief in terms of prayer clauses (b) and (c).

(GAURI GODSE, J.)