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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 351 OF 2023
WITH
INTERIM APPLICATION NO. 7596 OF 2025**

Jotiram Sakharam Salavi (since decd. Thr. ... Appellants/Applicants
Lrs) Gangubai Jotiram Salavi and Ors

vs.

Dattu Sakharam Salavi (D.H) Tarabai Dattu ... Respondents
Salavi (Decd thr. Lrs) Dhondiram D. Salavi
and Ors

Mr. Vikrant Anand Desai for Appellants.

CORAM : GAURI GODSE, J.

DATED : 29th APRIL 2025

ORDER:

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

I) In the absence of any proof regarding partition by metes and bounds, whether based on the theory of oral partition, the suit for partition and separate possession could have been dismissed?

2. In addition to the court notice, learned advocate for the appellants to serve the respondents, by private notice and file affidavit of service.

3. Call for records and proceedings.
4. Printing is dispensed with.
5. Learned advocate for the appellants shall file private paper-book within a period of one year from today.

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6. Rule on interim relief in terms of prayer clause (b) is made returnable on 28th July 2025.
7. In addition to the court notice, learned advocate for the applicants to serve the respondents, by private notice and file affidavit of service, before the next date.
8. During the pendency of the application, the parties shall not create any third party rights in respect of the suit property.

(GAURI GODSE, J.)