



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO. 157/2024.

Kundlik Ramchandra Chavan and another.

-VERSUS-

Kailash Kundlik Chavan

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.D. Karode, Advocate for Appellants.
Shri S.A. Dhawas, Advocate for the Respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : APRIL 24, 2025.

Heard.

2. **Admit** on the following substantial
questions of law :

- (a) Whether the property received by defendant no.1 by way of gift from his brother and relinquishment by his sister after partition, can be said to be ancestral property, although the property may be ancestral property prior to partition ?
- (b) Whether the trial Court has erred in law in striking out the issue pertaining to relinquishment of share by Sakhubai -

sister of defendant no.1 and gift of property by Shalikram - brother of defendant no.1, to him, as not relevant and holding that it does not survive under Order XIV Rule 5 of the Code of Civil Procedure , and further has the learned First Appellate Court erred in law in dismissing the appeal without recording any finding on this aspect ?

Learned Counsel appearing for respondents waive notice.

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Civil Application (CAS) No. 555/2024.

In view of admission of the appeal on aforesaid substantial questions of law, the execution of the impugned decree shall stand stayed till final disposal of the appeal.

JUDGE