



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

SECOND APPEAL NO.77 OF 2024

Smt. Indira W/o Ramesh Moon Vs. Ajay S/o Shankar Bageshwar and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri B.B. Pantawane, Advocate for appellant.

CORAM : M.W. CHANDWANI, J.

DATE : 17.02.2025.

1. The appellant claims herself to be the stepdaughter and stepsister of the respondents filed a suit bearing Regular Civil Suit No.40/2023 for partition thereby claiming the suit property as ancestral property.

2. The trial Court held that an illegitimate child has equal share in the property of his father and therefore, the trial Court decreed the suit and held that the appellant is entitled to 1/3rd share in the suit property. The respondent filed an appeal before the learned District Judge, Nagpur vide Regular Civil Appeal No.168/2015. The appellate Court held that though, the appellant is entitled for share in the property of her father but being an illegitimate daughter, she is entitled to the share in ancestral property and her interest shall remain to the extent of the property which fell in the share of her father. The appellate Court held that deceased Shankar, respondent no.1 and the appellant are entitled to 1/3rd share each and the 1/3rd share of her father will

devolve upon the appellant and respondent nos.1 and 2 equally since he has expired.

3. In view of the answer of the Supreme Court in reference made in the case of ***Revanasiddappa and another Vs. Mallikarjun and others***¹ that an illegitimate child will have a right to or in the property of parents which may be inherited by them from their ancestor but the share of the illegitimate child will be restricted to the property of the parents. Therefore, the judgment of the appellate Court is well reasoned. No substantial question of law arises in this appeal and the same is dismissed.

JUDGE

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