



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

SECOND APPEAL NO.196/2025

Nana Kisanrao Palatkar

...Versus...

Bandu Kisanrao Palatkar

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

Court's or Judge's orders

Mr. A.S. Deshpande, Advocate for appellant

CORAM : ROHIT W. JOSHI, J.

DATE : 12/09/2025

1. The plaintiff and defendant are real brothers and were working as barbers. The plaintiff filed a suit for possession against his brother/defendant stating that the suit property is self acquired property. The defendant came with a defence that the suit property is a joint Hindu Family property acquired by one family business of the parties by running barber's shop.

2. It appears that the plaintiff has issued notice at Exh.56 in which he has stated that he was Karta of joint family. Perusal of the findings by the learned civil Court demonstrates the fact that the property was purchased in the name of plaintiff and it was mutated in the name of plaintiff. Tax receipts etc. are also in the name of the plaintiff, which were held by the learned civil Court while passing the decree for possession.

3. It would be pertinent to state that one of the attesting witnesses has stated that the plaintiff purchased the

property as Karta of the family. In view of above, issue notice to the respondent on the following substantial question of law.

Have the learned civil Courts below erred in taking into consideration the evidence on record in proper perspective, particularly the statement of plaintiff in the notice at Exh.56 that he was Karta of joint Hindu Family as also deposition of attesting witnesses in holding that the property was self acquired property of the plaintiff and not the Joint Hindu Family property ?

4. Notice is made returnable on 25/09/2025.

CIVIL APPLICATION (CAS) NO.649/2025

1. Issue notice to the respondent, returnable on 25/09/2025.
2. The appellant is permitted to serve the respondent by speed post in addition to regular mode of service.
3. Till the returnable date, the execution of the impugned decree is stayed, in view of substantial question of law framed in the appeal.

(ROHIT W. JOSHI, J.)