IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

1000 SECOND APPEAL NO. 338 OF 2020

Damodhar Murlidhar Ambre (deceased) And Others
VERSUS
Vikram Balasaheb Ambre And Others
...
Advocate for Appellant : Mr. ., Gandhi Amrutlal Z.
Advocate for Respondent No.3 : Mr. U. A. Sayyed h/f Mr. K. N. Shermale
...
WITH
CIVIL APPLICATION NO. 3739 OF 2025
IN SA/338/2020
WITH
CIVIL APPLICATION NO. 1033 OF 2025
IN SA/338/2020
...

CORAM : SANJAY A. DESHMUKH, J.
Dated : October 14, 2026

PER COURT :-

SECOND APPEAL NO.338 OF 2020 :

1. Heard the learned Advocate for the appellant. He points out the substantial questions of law. Perused the impugned Judgments of the Trial Court and the Appellate Court. The following substantial questions of law are framed:

(i) Whether, in view of the amendment to Section 6 of the Hindu Succession Act, 1956, which came into force in the year 2005, whereby daughters have become coparceners, the Trial Court was legally correct in carving out the shares of the parties on a notional basis, and whether the Appellate Court erred in ignoring the said amendment?

(ii) Whether the Trial Court and the Appellate Court erred in

failing to appreciate the evidence on record as to whether the properties bearing Grampanchayat No.268/1, Gut No.210 and Gut No.247, purchased by the appellant Damodhar, were his self-acquired properties?

2. Learned Advocate for the appellant has submitted the aforesaid substantial questions of law today. However, the same were not raised in the Appeal Memo. The learned Advocate for the appellant is, therefore, directed to amend the Appeal Memo accordingly.

3. **Admit.**

CIVIL APPLICATION NO.3739 OF 2025 IN SA/338/2020 :

4. Perused the application. Heard the learned Advocate for the applicant. For the reasons stated in the application, the application filed for amendment is allowed.

5. Amendment be carried out within a period of three weeks.

6. Civil Application No.3739 of 2025 stands disposed of.

CIVIL APPLICATION NO.1033 OF 2025 IN SA/338/2020 :

7. This is an application seeking stay. Perused the application, the impugned Judgment and the Judgment of the First Appellate Court. Heard the learned Advocates for both sides.

8. Considering the fact that the execution proceedings are going on, stay cannot be granted to the extent of carrying out partition, carving out shares and preparing the partition table, etc. However, so far as handing over of possession is concerned, there shall be stay as prayed for by the applicant in terms of prayer clause "A".

9. Civil Application No.1033 OF 2025 is allowed to the extent of prayer clause "A" and stands disposed of.

10. Call for Record and Proceedings along with the paper book of the First Appellate Court.

11. Stand over to 26/11/2026.

(SANJAY A. DESHMUKH, J.)

vj gawade/-.