

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.39507 OF 2025
WITH
INTERIM APPLICATION (ST.) NO.39508 OF 2025
WITH
INTERIM APPLICATION (ST.) NO.754 OF 2026

Lilabai Madhukar Patil and Ors.

.. Appellants

Versus

Shweta Ramchandra Patil and Ors.

.. Respondents

-
- Mr. Kishore Patil a/w. Mr. Kaustubh Patil for Appellants.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 09, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 09.01.2026. Perused the praecipe.
- 2.** Heard Mr. Patil, learned Advocate for Appellants.
- 3.** At the outset, it is informed that there is delay in filing the Appeal from Order. I have perused the Interim Application. Delay of more than 600 days stands condoned in the interest of justice because of the reasons mentioned which is the subject matter of the *lis* between the parties. Interim Application (Stamp) No.39508 of 2025 to that effect stands allowed due to the exigency mentioned by Mr. Patil namely that Defendants do not dispute the one-fourth share of Plaintiffs.

4. Appeal from Order is taken up forthwith for hearing in view of exigency mentioned by Mr. Patil.

5. The grievance of Appellants who are Defendants in the suit proceedings is to the effect that claim of Plaintiffs which is to the extent of one-fourth share in the compensation which has been received pursuant to acquisition of the suit property is not disputed. The Defendants are aggrieved primarily because the learned Trial Court has granted injunction in respect of the entire amount.

6. Mr. Patil makes a statement across the bar that to the extent of one-fourth share the amount can undoubtedly be retained towards the share of the Plaintiff who is seeking partition. All parties to the suit proceedings are children of the original owner of Rambhau Patil alias Rama.

7. Once the Defendants make the aforesaid statement, *prima facie*, there should be no impediment in retaining the one-fourth share and releasing balance share.

8. In that view of the matter Plaintiff will have to be heard. An arguable case has been made out by Mr. Patil for issuance of notice to Respondents – Plaintiffs. Hence, issue notice to Respondents.

9. Humdast permitted. In addition to Court's notice, Appellants are directed to serve the Respondents a Copy of order, Appeal from

Order and Interim Application forthwith and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

10. Plaintiffs shall apprise the Court about their objections, if any on the next adjourned date pursuant to which appropriate orders can be passed disposing of the present Appeal from Order.

11. Respondents are directed to comply with the aforesaid order.

12. Stand over to **22nd January, 2026.**

13. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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