



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

SECOND APPEAL NO.52 OF 2024

Mahadev Pundlik Lohande .Vs. Smt. Mainabai Narayanrao Dabhekar

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

Court's or Judge's Order

Mr. Tejas Deshpande, Advocate for appellant.

Mr. J.R. Kidilay, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 09/02/2026

1. The Second Appeal arises out of concurrent decrees for partition and separate possession. The respondent/plaintiff claims to be real sister of the appellant/defendant. It is not in dispute that the suit property was owned by late Pundlik, father of the defendant. However, the only point of dispute between the parties is whether the plaintiff is sister of the defendant.

2. The plaintiff has examined three witnesses, including herself and daughter of the defendant, to prove the relationship. As against this, defendant has examined himself and his son in rebuttal. It is obvious that the defendant's son will not have any personal knowledge about the birth of plaintiff, who is around 28 years older than the defendant. The deposition of the defendant's daughter, admitting the relationship between the parties, cannot be discarded.

3. In view of the evidence on record, both the learned Courts have concurrently held that the relationship

between the parties is proved. Having perused the reasons recorded by both the learned Courts, as also the pleadings and depositions, copies whereof provided for perusal by the learned Advocate for the appellant, this Court sees no reason to take a different view of the matter. Indeed, the conclusion drawn by the learned Courts cannot be faulted, since they are based on reliable evidence, including the evidence of the defendant's daughter.

4. No substantial question of law arises for consideration. Second Appeal is **dismissed** with no order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate