



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

Second Appeal No.381 of 2025

Manoj s/o Dadu Wasnik (Died through LR's)

vs.

Chandrabhagabai w/o Dadu Wasnik and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. S.P. Kshirsagar, Advocate for the Appellants.

CORAM : **ROHIT W. JOSHI, J.**
DATE : **10th FEBRUARY, 2026.**

Heard.

02. The present appeal is preferred by the original defendant No.4 in R.C.S. No.32/2002, decided by the learned Civil Judge, Junior Division, Mohadi vide judgment and decree dated 08/12/2022, which came to be confirmed by the learned Ad hoc District Judge-1, Bhandara, while dismissing R.C.A. No.2/2024 preferred by defendant No.4.

03. The only contention that Mr. Kshirsagar, learned Advocate for the appellants argued, is that the learned First Appellate Court has directed that all the suit properties, including House Property No. 212, be divided into four equal parts, with one share each to Plaintiff Nos.2 and 3 and Defendant Nos.3 and 4 (through legal representatives-defendant Nos. 4[a] to 4[e]). The contention is recorded only to be rejected.

04. A suit for partition involves adjudication at two stages. Initially, a preliminary decree is passed, which is followed by a final decree. At present, the learned Court has passed only a preliminary decree for partition holding that the parties mentioned above are entitled to 1/4th share each in all the suit properties including House Property No. 212. This does not mean that the learned First Appellate Court has

directed division of each property into four equal parts. The mode and manner in which the shares are to be actually worked out is a matter for the Court dealing with the final decree proceeding to decide.

05. Perusal of the judgment and decree will demonstrate that the learned First Appellate Court has merely determined the respective shares and has not directed division of each property into four equal parts. It is clarified that while passing the final decree, the learned Court shall take into consideration the contention of the appellant-defendant No.4 that House No.212 be allotted exclusively to his share by granting the shares to other parties in other properties.

06. The second appeal is, accordingly, disposed of in the light of above observations.

JUDGE

**sandesh*