



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

CIVIL APPLICATION (CAS) NO. 426 OF 2026

IN

SECOND APPEAL NO. 491 OF 2023

SMT. DEOKABAI W/O DAMODHAR PATIL (DEAD) THROUGH HER LEGAL HEIRS
PRATIBHA @ SAVITA W/O ABHIMAN THOOL

Vrs.

SHRI JANAKSINGH BHARATLAL THAKRE AND OTHERS

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

Court's or Judge's Order

Shri B. B. Pantawane, Advocate for applicant/appellant.
Shri Shubham Solanke, Advocate h/f Shri Amit Bhate, Advocate for
respondent No.2.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 22/04/2026.

1. Heard Shri Pantawane, learned counsel appearing for the appellant and Shri Shubham Solanke, learned counsel appearing for the respondent No.2.
2. By the present application, the applicant / appellant prayed for framing of additional substantial question of law that "whether the respondent No.3 alone after he become major, having right to sell the suit property without prior consent of his mother and sister, when the suit property is a joint family property ?"
3. However, it appears that on 04/08/2025, this Court framed the question of law that "whether the property purchased by the mother of a minor son prior to 2016 is saved by the amendment in the Benami Transactions (Prohibition) Act, 1988 ?"

4. Therefore, if the substantial question of law is answered, either in the negative or in positive, the question having authority of the respondent No.3 to sell the property after he attaining the age of majority without consent of his mother and sister would not arise.

5. Therefore, application stands disposed of.

Second Appeal No.491/2023

6. In the meanwhile, the parties shall maintain status quo in respect of the suit property.

7. With the consent of the parties, list the matter for final hearing on **18/06/2026**.

[JUDGE]