

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 680 OF 2003

Rajendra Keshavgiri Gosawi.

... Appellant.

Versus.

Nagendragiri Keshavgiri Gosawi & ors. ... Respondents.

Smt.Smita Gaidhani for the Appellant.

Shri P.N,Joshi for the Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 10th February, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties.

The following substantial questions of law arise in the

Second Appeal:

i) Whether the lower Appellate Court committed an error by dismissing the suit filed by the Appellant even after holding that he was entitled to 1/8th share in the suit property ?

ii) Whether the lower Appellate Court committed an error by ignoring that the deceased Sonubai was entitled to maximum 1/2 share in the property in the hands of Kisangir and therefore, the Appellant claiming through the daughter of Kisangir will have atleast 1/8th share in the suit

property ?

2. Second Appeal is admitted on the aforesaid substantial questions of law.

3. Printing is dispensed with. The Appellant is directed to file private paper book and decree forms within a period of six months from today.

Judge.