

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 113 OF 2015

FARHATULLAH KHAN S/O HAMEED KHAN ... PETITIONER

VERSUS

NADIM MOHAMMAD AZMATULLAH S/O
RAZATULLAH ... RESPONDENT

.....
Mr A. D. Kasliwal, Advocate for the petitioner
Mr M. A. Latif, Advocate for the respondent
.....

CORAM : S. V. GANGAPURWALA, J.
DATE : 16TH SEPTEMBER, 2015.

PER COURT:

. The application for rejection of plaint under Order VII Rule 11 is rejected. Being aggrieved thereby, the present revision application is filed.

2. Mr A. D. Kasliwal, learned Counsel submits that, the plaintiff is a stranger to the family of the defendant. The plaintiff is not concerned with the donor and the donee. As such, the plaintiff could not have challenged the Gift Deed executed by the mother in favour of the defendant. According to the ld. Counsel, the Court below has not considered the said aspect in its correct perspective.

3. Mr Latif, the learned Counsel for the respondent supports the order and submits that the Court has rightly considered the

provisions of the Law when the property of the plaintiff is being transferred by way of Gift Deed.

4. I have considered the submissions.

5. The Court below in para 9 of its order has discussed about the right of a person to transfer the property. It is also observed that, the suit is also seeking declaration and not only cancellation. While considering the application for rejection of plaint, only the contents in the plaint are to be considered. In light of the above, I am not inclined to interfere with the order passed by the trial Court.

6. Save and accept the application given under Order VII Rule 11, I have not considered any other aspects of the matter or any other arguments canvassed by either of the parties.

7. Civil Revision Application is dismissed. No costs.

[S. V. GANGAPURWALA, J.]

sgp