

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

**WRIT PETITION NO.3121 OF 2015**

(Ramesh s/o Vithalrao Mate ..vs.. Smt. Maya w/o Vinayakrao Khobragade and others)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATED : 04-08-2015**

Heard Shri S.R. Deshpande, learned Advocate for  
the petitioner.

2. The petitioner/original defendant No.1 has filed this petition challenging the order passed by the trial Court, directing the petitioner/defendant No.1 to provide the details of the properties as claimed in the application filed by the respondent No.1/plaintiff.

3. The respondent No.1/plaintiff has filed the civil suit praying for decree for partition and separate possession alongwith other reliefs. The defendants in the civil suit are the brother and sisters of the plaintiff. After the recording of evidence of the plaintiff, the plaintiff filed the application stating that the defendant No.1 has purchased other properties in his name out of the income of ancestral properties and the defendant No.1 is aware about the details of those properties which are purchased by him. The plaintiff prayed that the defendant No.1 be

directed to give details of those properties. The defendant No.1 opposed the application filed by the plaintiff. The learned trial Judge, by the impugned order, has directed the defendant No.1 to give the details of the properties as claimed in the application filed by the plaintiff. The defendant No.1 being aggrieved by the order passed by the trial Court, has filed this petition.

4. Shri S.R. Deshpande, learned Advocate for the petitioner has submitted that the plaintiff cannot compel the defendant No.1 to provide the details of the properties as stated in the application.

5. Considering the nature of claim, in my view, the impugned order cannot be said to be suffering from any illegality. The learned Advocate for the petitioner has not been able to point out any provision which prohibits the Court from directing the defendant No.1 to provide the details of the properties purchased by him in the circumstances as prevailing in the present case. Whether the properties are purchased from the income of ancestral properties is a subject matter of adjudication after the trial.

6. There is neither any patent illegality nor any error of jurisdiction which necessitates the interference by this Court in the extra-ordinary jurisdiction. The writ petition is dismissed. No costs.

**JUDGE**