

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

Writ Petition No.768 of 2014
(Smt. Lalita wd/o Ramdas Mahore v. Shri Prakash Ruprao Mahore)

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

Shri S.S. Patil, Advocate for Petitioner.

Coram : R.K. Deshpande, J.
Date : 21st November, 2016

The application under Order XLI, Rule 27 of the Code of Civil Procedure filed by the defendant in Regular Civil Appeal No.171 of 2006 has been rejected by the lower Appellate Court, against which the present writ petition has been preferred.

The suit in question challenged the alienation of land Survey No.77 vide sale-deed dated 28-12-1964. It is on the basis of this sale-deed, the stand of the defendant No.1 was that he became the owner of the property and sold it in favour of the defendant No.3. Now, by virtue of the application under Order XLI, Rule 27 of the Code of Civil Procedure, the sale-deed dated 7-10-1991 was sought to be produced for setting aside the ownership, alleging that the document became available for the first time in the summer season 2011. It was not the suit based on the alleged Will, claiming the ownership of the property. The lower Appellate Court has held that no case is made out under Order XLI, Rule 27 of the Code. No fault can be found with such

a view.

The writ petition is dismissed.

Judge.

Lanjewar