

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1345 OF 2019

Ganpat Anna Tambe .. Petitioner
Vs.
Bhiku @ Bhikaji Anna Tambe and ors. .. Respondents

Mr.Dilip Bodake, for the Petitioner.
Mr.Rakesh P. Saroj, for the Respondents No. 1 & 2.

CORAM : M.S.KARNIK, J.

DATE : 03rd OCTOBER, 2019

P.C. :

. Heard learned Counsel for the petitioner. The relief prayed in the Suit is for declaration that the gift deed dated 07/02/2013 is not binding on the share of the plaintiff. The Suit is also filed for injunction restraining the defendants from disturbing the possession of the plaintiff over the suit premises. The trial Court framed issues on 27/02/2018.

2. In the written statement, defendants have also taken

a stand that suit properties are self acquired properties of Sonabai. The trial Court rejected the request of framing additional issue. The additional issue which the plaintiff wanted the trial Court to frame is whether the property in question are self acquired properties of Sonabai from her own income. It is one of the contention of the learned Counsel for the respondents that issue No.3 would cover the additional issue which the plaintiff wanted the trial Court to frame.

3. Considering the relief claimed in the Suit being a declaration that the gift deed dated 07/02/2013 is not binding on the share of plaintiff, the additional issue is not necessary for deciding the controversy involved in the Suit. Writ Petition is rejected.

(M.S.KARNIK, J.)

Urmila P. Ingle
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