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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2961 OF 2020**

Smt. Kedyabai Motiram Markand and Ors. Petitioners.
V/s
Shri Namdev Sayaji Karhe and Anr. Respondents
Mr. Prajakt M. Arjunwadkar for the Petitioners.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 23, 2021

P.C.:-

1] Heard.

2] Application-Exhibit-57 in a suit for partition and declaration that sale deed is not binding, for amendment thereby seeking incorporation of specific plea on the challenge to the sale deed dated 21st April, 2014 came to be rejected by the order impugned.

3] Counsel for the Petitioner Mr. Arjunwadkar though has urged that there has to be a declaration on the issue of setting aside of sale deed and as the same has encroached upon the right of the Petitioner in

relation to the suit property, sale deed itself is required to be questioned.

4] I hardly see any convincing reason for grant of such prayer. As the Petitioner/Plaintiff has sought a declaration that sale deed dated 21st April, 2014 is illegal and not binding on 3/4th share of the Petitioner, prayer as is sought to be incorporated by way of amendment is at all not justified. This Court, as also the Court below, is sensitive to the fact that Petitioner is claiming share to the extent of 3/4th portion and not entire property, as is reflected in the sale deed. That being so, in my opinion, order impugned appears to be justified.

5] No case for interference in extraordinary jurisdiction is made out. Petition fails and same stands dismissed.

(NITIN W. SAMBRE, J.)