

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11008 OF 2023

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Rajshir Ganesh Raymane

... Petitioner

V/s.

Anjana Ganesh Satpute & Ors.

... Respondents

Ms. Sejal A Hariyan a/w. Mr. Padmanabh D Pise i/by P
Padmanabh Associates, for the Petitioner.

Mr. , for the Respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 7, 2023

P.C.:

1. By the impugned order, the Trial Court allowed application for amendment in a suit for declaration gift deed executed in the year 2011 as null and void and for partition of the suit property, an injunction not to disturb possession of plaintiff over the suit property.
2. In the said suit, the plaintiff filed an application for amendment under Order 6, Rule 17, which came to be allowed by order dated 13 December 2022.
3. On perusal of the application for amendment, it appears that execution of gift deed dated 15 June 2021 by defendant No.1 in favor of defendant no.5 prompted plaintiff, seeking declaration of such gift deed executed during pendency of suit to be declared as null and void. The cause of action for filing application for amendment having been accrued on 15 June 2021 and the

application for amendment is filed on 15 January 2022, there is no reason to interfere that positive exercise jurisdiction of the Trial Court.

4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)