

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

WRIT PETITION NO. 481/2018

SMT. INDIRABAI GOPALRAO PANT
VS
UDDHAV S/O GOPALRAO PANT AND OTHERS

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

Court's or Judge's Order

Mr. P.S. Chawhan, Advocate for the petitioner
Mr. A.P. Bhuihar, Advocate for respondent no. 1
None for respondent nos. 2 and 3

CORAM : A. S. KILOR, J.

DATED : 05/07/2023

Heard.

2. The order dated 12.06.2017, allowing an application for amendment preferred by the respondent nos. 2 and 3 in Regular Civil Suit No. 73/2009, is under challenge in this writ petition.

3. On a specific query made to the learned Counsel for the petitioner whether the findings recorded by the learned trial Court that there is no dispute about the execution of a Gift Deed, is contrary to the record, he fairly states that in fact, there is no dispute as regards execution of the Gift Deed. He submits that the question is only whether the plaintiff can raise a challenge to the Gift Deed when already in a suit filed by the plaintiff's mother, she has raised a

challenge to the Gift Deed.

4. Thus, considering the fact that there is no dispute about the execution of the Gift Deed which is the reason given by the learned trial Court allowing the application for amendment, I do not find any illegality committed by the learned trial Court.

5. As far as the contention of the petitioner that the question is about the locus of the respondent no. 2 to raise a challenge to the Gift Deed can be raised but for that reason, it cannot be said that the order allowing the amendment application is illegal.

6. Accordingly, the writ petition is **dismissed** with no order as to costs.

JUDGE