

HARSHADA H. SAWANT  
(P.A.)

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

**WRIT PETITION NO.1501 OF 2024**

Pralhad Balkrishna Balghare and Anr.

.. Petitioners

**Versus**

Suryakant Balkrishna Balghare

.. Respondent

.....

- Ms. Kashish Chelani i./by Mr. Malvankar, Advocate for Petitioners.
- Mr. Anurag Mishra i./by Mr. Avinav Rau, Advocate for Respondent.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : JULY 29, 2024**

**P.C.:**

**1.** Heard Ms. Chelani, learned Advocate appearing on behalf of Writ Petitioner and Mr. Mishra, learned Advocate for Respondent.

**2.** It is argued by Ms. Chelani that they are Defendants in the suit proceedings before the Trial Court. The Plaintiff has approached the Trial Court by filing the suit proceedings for seeking cancellation of gift deeds made by Defendant in favour of Defendant No.1s' wife.

**3.** The Plaintiff filed Application below Exhibit-5. That Application stands allowed by order dated 11.04.2022. In Miscellaneous Civil Appeal No.221 of 2022 when Defendants raised a challenge, the said challenge stands rejected by order dated 27.10.2023 and order passed below Exhibit-5 is upheld. Against the twin orders dated 11.04.2022 and 27.10.2023, Defendants, being aggrieved are before this Court in the present Writ Petition.

**4.** Mr. Mishra would inform the Court that the suit for partition filed by Defendants themselves before Trial Court is also pending. Hence suggestion is made by him that if present suit as well suit for partition are heard together by the learned Trial Court, it would avoid multiplicity of proceedings for the same cause of action and in respect of the same suit property. He would submit that as per his instructions, the transfer application to transfer the said partition suit has already been filed before the Trial Court and it is pending. In view of the submissions made by Mr. Mishra, learned Advocate for Plaintiff, the Writ Petitioners – Defendants are directed by this Court to take appropriate instructions and inform the Court accordingly on the next adjourned date.

**5.** Stand over to **05<sup>th</sup> August, 2024 at 02:30 p.m.**

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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