



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 452 OF 2024

Prashant Pradipkumar Deshmukh
VERSUS
Pratap Bhausahab Deshmukh

Mr. Mayur Deokate, Advocate for appellants
Mr. A. S. Shelke, Advocate for respondent

CORAM : R. M. JOSHI, J.
DATE : 31st January, 2025

PER COURT :-

1. This motion is moved for speaking to minutes of order dated 21.01.2025 to replace the "Second Appeal No. "453/2024" in place of Second Appeal No. 452/2024 appearing in line no. 6 & 9 of Paragraph 3.
2. This being inadvertent error, motion is allowed. Necessary corrections be carried out and corrected order be uploaded

(R. M. JOSHI, J.)

bsj

(This order has been corrected pursuant to speaking to order dated 31.01.2025)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 452 OF 2024

Prashant Pradipkumar Deshmukh
VERSUS
Pratap Bhausahab Deshmukh

Mr. Mayur Deokate, Advocate for appellants
Mr. A. S. Shelke, Advocate for respondent

CORAM : R. M. JOSHI, J.
DATE : 21st January, 2025

PER COURT :-

1. This appeal takes exception to the dismissal of suit being Regular Civil Suit No. 77/2010 and confirmation of the said judgment and decree by the First Appellate Court in Regular Civil Appeal No. 64/2021.
2. Heard learned counsel for both sides.
3. The defendant had filed suit being Regular Civil Suit No. 36/2009 for cancellation of gift deed dated 08.03.2004 executed by Bhausahab in favour of plaintiffs-appellant. The said suit came to be decreed and it is held that the said gift is not valid and it stood cancelled. The judgment and decree passed in Regular Civil Suit No. 36/2009 is

maintained in Second Appeal No. **453/2024**. Thus, the suit filed by the appellant-plaintiffs for injunction on the basis of gift deed which is now held to be invalid and declared as cancelled, must fail. The observations made in Second Appeal No. **453/2024** in respect of the validity of gift deed be treated as a part and parcel of this order.

4. Once, the gift deed in question is cancelled, the suit filed by plaintiffs on the basis of such gift deed cannot sustain. Accordingly, the judgment and decree impugned stands confirmed.

(R. M. JOSHI, J.)

bsj