

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.964 OF 2025
IN
SUIT NO.211 OF 2022**

Manish Rameshchandra Trivedi .. Applicant

Versus

Yashwant Nanalal Trivedi and Ors. .. Defendants

Mr. Nitin Thakker a/w Mr. Zulfiqar Jariwala, Ms. Sakshi Jain i/b
M/s.Jariwala Associates, Advocates for the Plaintiff/Applicant

Mr. Rajiv Narula a/w Mr. Tarang Jagtiani /b M/s.Jhangiani Narula &
Associates, Advocates for Respondent Nos. 1, 6 and 7.

Mr. Rubin Vakil a/w Ms. Disha Mehta, Ms. Anjali Gupta i/b M/s.King
Stubb & Kasiva, Advocates for Defendant Nos. 10a & 10b.

Ms. Rina H. Pujara, Advocate for Defendant no. 5

Mr. Pavan Patil a/w Mr. Shubham Saraf a/w Mr.Soham Badole,
Advocates for Defendant No.4

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: DECEMBER 16, 2025

P. C.

1. This Application has been filed seeking amendment to the Plaint
to challenge the Gift Deed executed on 16th June 2017 and notarised on 10th
July 2017.

2. The Plaintiff had filed the present Suit for a declaration that he has 1/8th undivided right, title and interest and share in the estate of his laste grand father and also in the estate of his late grand mother to the extent of 1/16th share and for such other reliefs as prayed for in the plaint.

3. It is the case of the Plaintiff that he was served with a copy of the Affidavit in Reply on behalf of Defendant Nos.1, 6 and 7 to the said Interim Application. It is further the case of the Plaintiff that, on perusing the said Affidavit in Reply, the Plaintiff, for the first time, came across a copy of the said Gift Deed executed on 16th June 2017 and notarised on 10th July 2017. The said Gift Deed is supposed to have been executed between grand mother of the Plaintiff, Godavariben N. Trivedi, and Defendant No.1, wherein a sum of Rs.82 lacs was gifted by the grand mother to Defendant No.1. As stated hereinabove, the present Application has been filed to challenge the said Gift Deed and to add the necessary averments in relation to the same in the Plaint.

4. In my view, in light of the fact that this Gift Deed is said to have been executed by the grand mother of the Plaintiff in respect of whose estate, the present Suit is filed, for the purpose of determining the real questions in

controversy between the parties and for completely and effectually adjudicating upon the disputes between the parties, the Application is required to be allowed.

5. In these circumstances, the following order is passed:

A. Interim Application is allowed in terms of prayer (a) which reads as under:

“a) this Hon'ble Court be pleased to permit the Applicant to carry out amendment to the Plaint as per the schedule annexed hereto.”

B. Amendment be carried out within a period of two weeks from today.

C. In the facts and circumstances of the case, there will be no order as to costs.

D. This amendment is granted without prejudice to pending Interim Application No.4514 of 2022.

E. Liberty to the Defendants to file their respective Written Statements within a period of six weeks from today.

[FIRDOSH P. POONIWALLA, J.]