



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.641/2025

Pravin Kisanrao Junghare .vs. Jyoti Pandurang Junghare

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. Alaspurkar, Advocate for petitioner.

CORAM : ANIL L. PANSARE, J.

DATE : FEBRUARY 5, 2025

Petitioner – plaintiff had filed suit for cancellation of gift deed. Respondent – defendant is wife of petitioner's real brother. The gift deed was executed on 27.05.2022 allegedly on demand of the respondent to continue cohabitation with her husband. It is the case of the petitioner that he was left with no other alternative but to execute the gift deed. Pending suit, the petitioner filed an application seeking injunction against the respondent to not create third party interest in the suit property. The Trial Court granted relief to the petitioner. The First Appellate Court, however, upset the finding on the ground that there is nothing in the application seeking injunction showing respondent's intention to create third party interest.

2. I have gone through the application to find that what has been recorded by the First Appellate Court is correct.

3. Thus, the petitioner himself failed to make out a case of respondent's intention to create third party interest. In the circumstance, considering the provision under Section 52 of the Transfer of Property Act, 1882, which provides that in a suit in which any right to immovable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceedings so as to affect the rights of any other party thereto under any other decree or order which may be

made therein except under the authority of the Court and on such terms as it may be imposed, will be protection sufficient to dilute the apprehension of the petitioner.

4. With the above observations, since I find that the order impugned is in tune with the material placed before the First Appellate Court, no interference is called for in the supervisory jurisdiction under Article 227 of the Constitution of India. The writ petition is dismissed. No order as to costs.

(Anil L. Pansare, J.)

Kahale