



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1224 of 2025

[Smt. Ushatai w/o Pandurangi Bhamburkar ..vs.. Divisional Commissioner,
Amravati Division, Amravati and ors.]

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

Court's or Judge's orders

Mr. M. D. Modak, Advocate for the petitioner
Ms. K. P. Marpakwar, AGP for respondent nos. 1 to 4

CORAM : ANIL L. PANSARE J.

DATED : 06-03-2025

The petitioner claims to be owner of disputed property on the testamentary document which has been allegedly executed by her husband on 11-7-2013. The record indicates that in the year 1991, subject matter of the property viz. Property Gat No. 348 admeasuring 6H 13R of which area admeasuring 3H 65R situated towards Western side of Survey No. 10 was given to respondent no. 5 through registered gift deed by the petitioner's husband. Survey No. 10 is situated towards Eastern side of Survey No. 348. Respondent no. 5 was 7 years old at the time when gift deed was registered. The petitioner's husband, who was executant of the gift deed also represented respondent no. 5 (his grandson) as guardian.

The petitioner's husband however, is said to have not taken steps to mutate the name of respondent no. 5 in the revenue record in terms of aforesaid gift deed. Even respondent no. 5, after attaining majority, did not do so for 13 years. In the meantime, the petitioner's husband has allegedly executed Will bequeathing the aforesaid portion of land in favour of the petitioner (his wife). It appears that the property bequeathed admeasures 3H 02R out of area admeasuring 5H 98R from Survey No. 348. The Willed property is situated towards Eastern side of Survey No. 348.

On the face of record, one can find difference in the property which is subject matter of gift deed and the Will. In the gift deed, the property is situated towards Western side of Survey No. 10 which is situated towards Eastern side of Survey No. 348. Thus towards Eastern side of Survey No. 348 is Survey No. 10 and out of that survey number, the subject matter of gift deed is situated towards Western side. As against, the subject matter of property of Will is towards Eastern side of Survey No. 348.

It is thus difficult to render a specific finding, in absence of any other document on record, that the subject matter of the property of gift deed and Will are one and the same.

The petitioner shall file all necessary documents that would distinguish the properties.

Learned counsel for the petitioner seeks one week time.

List once the documents are filed.

Learned counsel for the petitioner makes a request to grant status quo. The request can not be considered, firstly, for the reason that status of the property is not known and in such circumstances, the Court should avoid passing an order of status quo which has potential to give rise to multiple disputes and secondly, in the absence of clarity in the location of properties mentioned in gift deed and Will, the order of status quo is inconsequential. The request is, thus, refused.

(Anil L. Pansare, J.)