



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

SECOND APPEAL NO. 269 OF 2018

CHANDRAPRABHA Wd/o VISHNUPANT MANAKAR THRU. LR s MANGESH MANKAR & OTHS

VERSUS

ANNAPURNABAI Wd/o RAMKRUSHNA KHUMKAR THRU. LRs MADHUKAR S WARULKAR

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. C. S. Captan, Sr. Advocate with Mr. S. D. Zoting, Advocate for the
appellants

Mr. R. L. Khapre, Sr. Advocate with Mr. N. S. Warulkar, Advocate for
the respondent no.1's LRs

CORAM : M. W. CHANDWANI, J.

DATE : JULY 01, 2025.

Civil Application (CAS) No. 162 of 2025

1. Heard both the learned Senior Counsels for the parties.
2. This is an application filed by the appellants for permission to add substantial questions of law.
3. It is a common submission that the questions at (I), (J) and (K) mentioned in the memo of appeal are required to be framed as substantial questions of law. The questions at (I), (J) and (K) mentioned in the memo of appeal read as under :

(I) Whether the party to a document (in this case a registered partition deed dated 16.12.1969), which such party has acted upon and taken benefit there under (by disposing off part of the property received under such a document by way of a sale deed) is entitled to turn around and raise a plea of the document/ partition deed, having been vitiated by illegality ?

(J) Whether the execution and registration of a document jointly (in this case a partition deed dated 26.12.1969 between Ramkrishna + his wife Annapurnabai + his niece Chandraprabha, which has been acted upon by the parties) constitutes a 'Fraud', as defined in Sec.17 of the Contract Act, 1872, so as to declare the document as null and void ?

(K) Whether a registered document (in this case a partition deed dated 26.12.1969) becomes a document void ab-initio for the reason that it grants share to a person, who otherwise being a member of the family (being a niece) is not the immediate lineal descendant ?

4. Learned Senior Counsel for the appellants submits that since the questions framed today cover the questions mentioned in the application, he is satisfied with framing of the said questions as substantial questions.

5. Learned Senior Counsel for the respondents submits that he is prepared on the substantial questions of law which are framed today and he is ready to argue the matter.

6. Accordingly, the civil application stands disposed of.

Civil Application (CAS) No. 693/2018

1. Heard.

2. This is an application filed by the appellants for permission to admit the documents.

3. Learned Senior Counsel for the respondents submits that the respondents did not admit the documents i.e. the extract of mutation register and Index.
4. In view of this, the civil application stands disposed of.

Civil Application (CAS) No. 713 of 2018

1. Heard.
2. This is an application filed by the appellants seeking permission to produce the public documents on record.
3. This application will be decided at the time of decision of the appeal.

(M.W.Chandwani, J.)

Diwale