



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

SECOND APPEAL NO.344/2025

Sau. Pramilaben Manishkumar Sedani and others

...Versus...

Shri Gujrati Sarvajani Navratra Mandal, Ghatanji, Tah. Ghatanji District
Yavatmal through Nanalal Ambalal Sarvaiya (deleted) Vice President
Mukesh Keshavlal Gandeche and others

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

Court's or Judge's orders

Mr. A.S. Dhore, Advocate for appellants
Mr. Abhay Sambre, Mr. Arjun Sambre, Advocates for respondent Nos.2, 3 & 6

CORAM : ROHIT W. JOSHI, J.

DATE : 03/02/2026

1. Notice in the appeal was issued on the following substantial question of law, framed vide order dated 27/11/2025 :-

“Whether the learned Courts have erred in rejecting the plaint on the ground of limitation, in view of pleadings in paragraph 4 of the plaint regarding date of knowledge with respect to the disputed Gift ?”

2. The present appeal arises out of order of rejection of plaint. The plaintiffs are sons of defendant No.7. Suit is filed on 05/06/2017 in order to challenge registered gift-deed dated 04/08/1986, executed by defendant No.7 (mother) in favour of defendant No.1-Trust. The title of mother is not disputed by the plaintiffs. Likewise, there is no statement in the plaint that mother was not aware about execution and registration of impugned gift. The mother has died after

institution of suit that is after the year 2017. It is, thus, clear that the mother had the authority to execute the gift and that she was aware about execution of the gift and further that she did not challenge the same during her lifetime. Since the title of mother is not in dispute, the plaintiffs did not have right to challenge the gift executed by her during her lifetime. Likewise, limitation for challenging the gift had expired during the lifetime of the mother. The suit is, therefore, clearly barred by limitation. Second Appeal is, therefore, dismissed with no order as to costs.

(ROHIT W. JOSHI, J.)

Wadkar