



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

SECOND APPEAL NO.27 OF 2026

APPELLANT
(Original Plaintiff)
(On RA)

:-

Sau. BHARTI (W/O) Suresh Nandurkar
Age 52 Yrs, Occ : Household R/o C/o
Pareshram Pandhari Kullurkar, Near Dr.
Sahare House, Chitni Nagar, Nagpur –
440034.

..VERSUS..

RESPONDENTS :-
(Original defendants)
(On RA)

SURESH S/o Natthuji Nandurkar
(Dead)

1) NATTHUJI FAGO NANDURKAR
(Dead) Through Legal Heirs.

1-A Ashok Natthu Nandurkar, Age: Major,
Occ: Private R/o Ganesh Nagar
Bahadura Fata Opp. Glass Company
Bahadura Road, Nagpur – 441204.

1-B Pramod S/o Natthuji Nandurkar, Age:
59 Yrs, Occ: Cultivator, R/o Plot No.7,
Noor Nagar, Dighori Nagpur. 440024.

1-C Kumud D/o Natthuji Nandurkar, Age :
Major, C/o Mansi Matching Centre
Sarafa Oli Itwari, Nagpur-44002

2) Pramod S/o Natthuji Nandurkar, Age:
59 Yrs, occ: Cultivator, R/o Plot No.7,
Noor Nagar, Dighori Nagpur. 440024.

3) District Collector, Collector Office, Civil
Lines, Nagpur – 440001.

- 4) Sub Registrar, Officer Sub Registrar,
Umred District, Nagpur 442103.

Mr. Salim I. Khan, Advocate for Appellant.
Mr. S.M. Syed, Advocate for Respondent Nos.1A and 1B.

CORAM : ROHIT W. JOSHI, J.

DATE : 11/02/2026

ORAL JUDGMENT :

1. The present appellant had filed Special Civil Suit No.1697 of 2005 in order to challenge a Gift Deed executed by her husband in favour of his father and brother. The husband is defendant Nos.1 and his father and brother are defendant Nos.2 and 3 in the suit. The suit was registered as Special Civil Suit No.1697 of 2005.

2. The learned Civil Judge Senior Division, Nagpur, has decreed the said suit vide judgment and decree dated 24.04.2014, thereby granting declaration that the impugned Gift Deed dated 06.12.2006 executed by defendant No.1 in favour of defendant Nos.2 and 3, is not binding on the plaintiff. The foundation of the judgment is that at the relevant time, the defendant No.1 was suffering from a mental ailment "Cerebral Atrophy". This is only

ground on which the suit came to be decreed.

3. Aggrieved by the said decree passed by the learned trial Court, the defendant Nos.2 and 3 preferred appeal being Regular Civil Appeal No.282 of 2014. The said appeal is allowed by the learned District Judge-20, Nagpur, vide judgment and decree dated 29.10.2025. The learned First Appellate Court has found that the learned trial Court had confused with the terminology of the ailment. It is stated that the defendant No.1 was suffering from “Cerebellar Atrophy”, which has nothing to do with brain and the understanding of a person. The learned First Appellate Court has found that this ailment of Cerebellar Atrophy was confused with Cerebral Atrophy by the learned trial Court, as a consequence of which, the impugned decree was passed.

4. In holding so, the learned First Appellate Court has referred to the evidence of PW-2, who is Doctor from Government Ayurvedic College, Nagpur and has relied upon the medical papers of the defendant No.1 (grantor) produced by the said witness. The learned First Appellate Court has also referred to a specific admission of doctor in paragraph-21 of the judgment to record that the witness himself stated that “Majjakshay” means Cerebellar Atrophy, which has no effect on the brain. The learned First

Appellate Court has also recorded finding in Paragraph-20 of the judgment that in the proceedings for restitution of conjugal rights filed by the defendant No.1 (donor) against his wife (plaintiff), a compromise was arrived at between the parties, which will also negate the contention of the plaintiff-wife that the defendant-husband was suffering from any mental ailment rendering him unfit to execute the impugned Gift Deed.

5. It is thus, clear that the learned trial Court has passed the decree granting a declaration that the Gift Deed is illegal on the basis of misinterpretation of medical evidence brought on record. In fact, the medical evidence that has come on record from the side of plaintiff is sufficient to come to the conclusion that the defendant No.1 was not suffering from any mental ailment. The learned First Appellate Court has rightly reversed the decree passed by the learned trial Court.

6. No substantial question of law arises for consideration. Second Appeal is therefore **dismissed** with no order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate