

Special Civil Suit No. 122/2023
(CNR No. MHNS290011212023)

Ashok Gaikawad,

V/s.

Mr. Percy Arthur Richard Robert

Mitchell and ors.,

ORDER BELOW EXH. 152

The present application has been filed by the plaintiff seeking framing of two additional issues, namely:

- A) Whether the plaintiff proves that the Gift Deed dated 07.11.2014 has not been duly and validly executed in accordance with law?
- B) Whether the plaintiff proves that the mandatory legal requirements and statutory compliances were not fulfilled by the executants while executing the Gift Deed dated 07.11.2014?

02. The defendant has opposed the application and submitted that the Court has already framed issues below Exhibit 45, and Issue No. 1 is wide enough to cover the aspects sought to be introduced by way of the proposed additional issues. It is further submitted that the present application has been filed only with a view to prolong the proceedings, and therefore, the same deserves to be rejected.

03. Heard the learned Advocates for both sides at length. Perused the application, say, and the issues framed below Exhibit 45.

04. In my considered opinion, the matters sought to be raised by way of the proposed additional issues are already encompassed within Issue Nos. 1 and 2 as framed earlier. No useful purpose would be served by framing separate additional issues on the same aspects. Hence, the application stands rejected.

Igatpuri.
Date : 18.04.2026.

(Yashshree Marulkar)
Civil Judge Senior Division,
Igatpuri.