

R. Dilwale

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LAXMAN
DILWALE

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Date: 2025.06.24
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER (ST) NO.18473 OF 2025
WITH
INTERIM APPLICATION (ST) NO.18474 OF 2025
AND
APPEAL FROM ORDER (ST) NO.18475 OF 2025
WITH
INTERIM APPLICATION (ST) NO.18476 OF 2025
AND
APPEAL FROM ORDER (ST) NO.18477 OF 2025
WITH
INTERIM APPLICATION (ST) NO.18478 OF 2025
AND
APPEAL FROM ORDER (ST) NO.18479 OF 2025
WITH
INTERIM APPLICATION (ST) NO.18480 OF 2025
AND
APPEAL FROM ORDER (ST) NO.18483 OF 2025
WITH
INTERIM APPLICATION (ST) NO.18484 OF 2025**

Neha Balakrishna Shetty

.....Appellant

Vs.

Suresh Bhujanga Bhandary & Ors.

.....Respondents

Mr. Zal Andhyarujina, Senior Advocate with Ms. Maithili Parik, Mr. Abhishek Matkar i/by Mr. Samir Suryawanshi, Advocate for the Appellant

Mrs. Uma Sharma i/by Mr. Dharam & Co., Advocate for the Respondent Nos.1 and 5.

Mr. Rahulkumar Tiwari, Advocate for the Respondent No.2.

CORAM : GAURI GODSE, J.

DATE : 23rd JUNE 2025

ORDER:

1. Learned counsel for the respondent nos.1 and 2 seeks time to take instructions.
2. Learned Senior Counsel appearing for the appellant-plaintiff submits that the suit is filed to challenge the execution and registration of a gift deed executed by defendant no.2 in favour of defendant no.1. He submits that the main ground of challenge is that though the defendant no.2 is suffering from dementia & alzheimer and parkinson and who is 89 years old was unaware about the execution of the gift deed which defendant no.1 claims that defendant no.2 has executed in his favour. He submits that the impugned order is passed without taking into consideration these basic allegations. He further expresses apprehension that in view of the gift deed the shares that are transferred in the name of defendant no.1 major decisions are likely to be taken on behalf of the company as in view of the gift deed defendant no.1 would be holding around 52% shares of the company.
3. I have perused the papers of the appeal. Prima facie I am of

the opinion that the grounds raised on behalf of the plaintiff to challenge the gift deed are not considered in the impugned order. Hence the appeal would require consideration.

4. List these appeals for admission on 28th July 2025. To be listed high on board under the caption of "Admission".

5. Till next date, no further action be taken based on the shares that are transferred in the name of defendant no.1 pursuant to the gift deed that is under challenge.

6. Learned counsel for the respondents are at liberty to file the respective affidavit in reply before the next date with an advance copy to the learned counsel for the appellant.

7. Since none appears for respondent nos.3, 4 and 6, Office is directed to issue notice of the appeal to the said respondents. Notice is made returnable on 28th July 2025.

[GAURI GODSE, J.]