

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 WRIT PETITION NO. 6368 OF 2016

RAMA RANGNATH KADGE AND ANOTHER
VERSUS
KISHAN RANU KADGE DIED LRS DATTA KISHAN KADGE AND
OTHERS

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Advocate for Petitioners : Indani Madanlal S.

Advocate for Respondents : Natu Sharad V. for R/10

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CORAM : T.V. NALAWADE, J.
DATE : 16-09-2016.

ORDER :

1. The petition is filed to challenge the order made on exhibit-284 in R.C.S. No. 318 of 1984 by Joint Civil Judge, Junior Division, Georai. Both the sides are heard. Though one respondent is said to be dead this court holds that there is no necessity of considering the say of the legal representatives of said respondent.

2. The suit is filed for relief of partition. The numbers of the Agricultural land are given. It appears that, during pendency of the suit the numbers given after consolidation as gut numbers are also mentioned in the plaint. Now the plaintiff wants to mention the boundaries of the gut numbers. The provision of Order 7 Rule 3 of Civil Procedure Code, shows that the property can be identified by revenue number and so mentioning of that number is sufficient for describing the suit property.

3. The trial court has observed exactly the same thing and has rejected the application. The application itself is misconceived and there is no reason to interfere in the order made by the trial court. However, it is made clear that if some block number is wrongly mentioned, when the amendment was sought to make the correction to describe in new number as block number that correction can be asked again from the court (i.e. Property survey no. 25/3) liberty is given for the same. With that liberty writ petition is disposed of. Suit needs to be disposed of within six months from the date of receipt of this order.

(T.V. NALAWADE)
JUDGE

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