

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

978 WRIT PETITION NO. 2386 OF 2021

SUNITA W/O DEVANAND KAHALEKAR AND ANOTHER
VERSUS
ARCHANA D/O KISHANRAO KAHALEKAR AND OTHERS

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Advocate for Petitioners : Mr. Hande Avinash D.

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CORAM : V. K. JADHAV, J.
DATED : 5TH FEBRUARY, 2021

PER COURT :-

1. The petitioners are the original defendants in Special Civil Suit No. 101 of 2010 instituted by respondent no.1 for partition and separate possession. The petitioners-defendants filed an application Exhibit 182 for framing of additional issue as to whether the suit is liable to be dismissed because of non-joinder of necessary parties. The trial court has rejected the said application with the following observations:

“In this matter argument of plaintiff has been part heard. Issues were settled in the year 2010. Since then till date of final argument defendant did not move such application. This

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fact itself shows that the defendant want to delay argument by moving such application at such a belated stage.”

In addition to the above, the trial court has also observed that;

“besides it is significant to note that the issue of non-joinder of parties is legal issue which can be framed even at the time of judgment, if found necessary.”

2. In view of the above observations, I find no reason to entertain this Writ Petition. Hence, the Writ Petition is hereby dismissed.

(V. K. JADHAV, J.)

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