

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4825 OF 2022

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Date: 2023.10.26
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Sushila Mohan Aparadh

... Petitioner

V/s.

Vilas Ramchandra Aparadh and Ors.

... Respondents

Mr. Vishwanath B. Rajure for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 19, 2023

P.C.:

1. The petitioner is original plaintiff challenging order of Trial Court rejecting application for amendment to delete suit property No.1C and 1D in a suit for partition and separate possession.
2. The Trial Court rejected the application on the ground that the plaintiff described suit property No.1C and 1D as ancestral property. Suit being filed for relief of partition, all ancestral properties needs to be joint in the suit. Merely because properties bearing No.1C and 1D are sold to the defendant No.4, those properties cannot be deleted from the suit. The Trial Court was justified in rejecting the application. There is no legal infirmity in the order.
3. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)