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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**51 CIVIL APPLICATION NO.1205 OF 2024
IN WRIT PETITION NO.3863 OF 2022
WITH
WRIT PETITION NO.3863 OF 2022**

**NARAYAN PREMRAJ CHORBELE AND OTHERS
VS
SHANKAR MAHADA KARDILE DIED THR LRS PARVATABAI
SHANKAR KARDILE AND OTHERS**

Mr. Y. V. Kakde, Advocate for the applicants
Mr. N. L. Jadhav, Advocate for the respondents
Mrs. A. S. Mantri, AGP for the respondents/State

CORAM : S. G. MEHARE, J.

DATE : 08th APRIL, 2024

P. C.

1. Heard the learned counsel for the applicant and learned counsel for the respondent.

2. It is the case of the tenancy right. The applicants have claimed that the suit land were owned by the original so called tenant namely Babu Laxman Shinde who had no legal heirs. The MRT rejected the claim of legal heirs of Babu. The applicant has established that he was not legal heir of said Babu.

However, while arguing this writ petition, the applicants have got knowledge of other papers having relevance with the issue involved in this petition. It has been vehemently argued that these documents may be help to arrive at a proper conclusion. Non-applicants are not legal heirs of Babu. The applicants are actually and physically in possession of the suit land. The non-applicants are creating hurdle in the peaceful enjoyment of their land. Leave may be granted to file documents on record.

3. Learned counsel for the contesting respondents strongly opposed the application. It is his case that suit land was tenanted land of Babu. His sole legal heirs record has been changed to that extent. Babu was a tenant. His land was heritable. The documents filed on record were not before the MRT. Besides that these documents proposed to be placed on record is irrelevant. It is just an attempt to protect the applicants. Therefore, the application may be rejected.

4. In reply learned counsel for applicants submits that

partition deed between two brothers, point out that suit land came to the share of the applicants.

5. A small question is whether documents would be allowed to take on record. It is the contention of the applicants that the documents proposed to be brought on record have relevance with issue involved in this case. These documents may help to determine the status of non-applicants, particularly their right to inherit the suit land. The partition deed between applicants and his brother reflect the suit land. It has been held that non- applicants are not legal heirs of the deceased Babu. Every document which has been discovered has relevance with issues involved in the case may be allowed to place on record. Prima-facie it appears that documents have relevance to the issues involved in this petition. No harm will be caused, if the application is allowed. He has an opportunity to refer the documents and may produce another documents or convince the court that these documents are not relevance.

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6. For the above reasons, the civil application is allowed. Documents be taken on record for consideration during final hearing.

7. List the Writ Petition No. 3863/2022 on 25-06-2024.

8. Interim relief, if any to continue till next date.

[S. G. MEHARE, J.]

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