



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

138 WRIT PETITION NO. 4977 OF 2023

PURSHOTTAM ALIAS UTTAM VITHOBA KODRE AND ANOTHER
VERSUS
SUDAM BHAUSAHEB NAVALE AND OTHERS

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Advocate for the Petitioners : Mr. Pathan Zafar M
Advocate for Respondent Nos. 1 to 5 : Mr. S.R. Mantri h/f Mr. Rahul R.
Karpe

Advocate for Respondent No. 5 : Mr. Shubham Pawar h/f Mr.
Gangakhedkar Shailendra S.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 15.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of the present petition, the petitioners are assailing the order dated 08.09.2022 passed below Exh 74 by the 2nd Joint Civil Judge, Junior Division, Parner in Regular Civil Suit No. 550 of 2012 whereby, the application filed by the respondent No. 5 for impleading her as Plaintiff No. 5 came to be allowed.
3. The learned Counsel for the petitioners submits that the suit was filed for declaration and perpetual injunction in respect of property bearing Gut No.145. He further submits that the respondent No. 5 is not concerned with the suit property and the petitioners have not claimed any relief against her. Therefore, the application ought to have been rejected by the trial Court.

4. Per Contra, the learned Counsel for the respondent supports the order passed by the trial Court.

5. I have gone through the order passed by the trial Court it reveals that the father of respondent No. 5 who is brother of Original Plaintiff Nos. 2 to 4 has died on 24.01.1999 and the petitioners claimed that the property is ancestral. Once the property is claimed to be ancestral, the presence of respondent No. 5 is necessary for just decision of the suit as the respondent No. 5 has interest in the suit property.

6. Therefore, I am not inclined to interfere with the order dated 08.09.2022 passed below Exh 74 by the 2nd Joint Civil Judge, Junior Division, Parner in Regular Civil Suit No. 550 of 2012 under Article 227 of the Constitution of India.

7. In view thereof, the petition is dismissed. No order as to cost.

8. Both the learned Counsel submit that the suit is of the year 2012 and purpose would be served if this Court directs the trial Court to decide the suit expeditiously.

9. Therefore, learned trial Court is directed to decide the suit within a period of one year from today.

10. The observations made herein are prima-facie in nature and the trial Court shall decide the suit on its own merits without being influenced by the same.

(SIDDHESHWAR S. THOMBRE, J.)