

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 6043 OF 2023

Asarabai Sonyabapu Waghade And Another

VERSUS

Ashok Radhakishan Sable And Another

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Advocate for the Petitioners : Mr. Jayabhar Shubham Dattatrya  
Advocate for Respondent No.1 : Mr. V.S. Munjal h/f Mr. R.B. Temak

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 15, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioners challenge the order dated 23.02.2023 passed below Exhibit-18 by the learned District Judge-6 and Additional Sessions Judge, Ahmednagar in Regular Civil Appeal No.273 of 2018, whereby the application filed by the petitioners under Order VI Rule 17 of Civil Procedure Code seeking amendment came to be rejected.
3. The petitioners filed the suit for partition which came to be dismissed on the ground that all the properties are not included and against that, Regular Civil Appeal No.273 of 2018 is filed. As filing the application for amendment is concerned, when the suit itself is dismissed on the ground that all the properties are not included in the suit, therefore, by way of amendment, the petitioners cannot be permitted the same.

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4. In view thereof, I do not find a reason to interfere with the order dated 23.02.2023 passed below Exhibit-18 by the learned District Judge-6 and Additional Sessions Judge, Ahmednagar in Regular Civil Appeal No.273 of 2018.

5. The petition is dismissed. No order as to cost.

**(SIDDHESHWAR S. THOMBRE, J.)**