



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

921 WRIT PETITION NO. 4992 OF 2023

PRAVIN GOPAL BUTE

VERSUS

**SHYAMKANT SOMNATH BIMBE DECEASED THROUGH LRS
SHOBHABAI SHYAMKANT BIMBE AND OTHERS**

Mr. P. P. Dhorde, Advocate for the Petitioner

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 11th DECEMBER, 2025

P. C. :-

1. Heard Mr. Dhorde, learned counsel for the respective parties.
2. The present petitioner challenges the common order dated 24.01.2023 passed by the 2nd Jt. Civil Judge, Senior Division, Bhusawal, Dist. Jalgaon, whereby the application below Exhibits 94 and 95 filed by the legal heirs of the original defendants for filing additional written statement came to be allowed.
3. Learned counsel for the petitioner submits that the application filed by original defendants No. 1-A to 1-D seeking permission to file a separate written statement ought not to have

been entertained, particularly when an earlier pursis (Exhibit-34) had already been filed on 08.08.2014. The learned Trial Court ought not to have allowed the application on the ground that delay and laches. It is submitted that there was no due diligence. The learned counsel relied upon the law laid down by the Hon'ble Supreme Court in case of ***Chander Kanta Bansal Vs. Rajinder Singh Anand, 2008(6) Mh.L.J., 161***, particularly on paragraph Nos.10 and 11. It is contended that the Trial court has not considered this aspect and therefore prayed to allow the writ petition.

4. I have gone through the order passed by the learned 2nd Jt. Civil Judge, Senior Division, Bhusawal and the application (Exhibits 94 and 95). If the legal heirs want to file separate written statement by pleading that the said property is self acquired property of the deceased, no prejudice would be caused to the plaintiff and the burden would lie upon the defendants to prove the same. Therefore, the findings recorded by the learned Trial Court are proper and no perversity is being found.

5. Therefore, I do not find any reasons to interfere with the order dated 24.01.2023 passed by the 2nd Jt. Civil Judge, Senior

Division, Bhusawal, Dist. Jalgaon.

6. In view thereof, petition stands dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

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