



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

WRIT PETITION NO. 10781 OF 2021

**KALPESH RAMESH BADGUJAR
VERSUS
JAGANNATH TAKDU BADGUJAR AND OTHERS**

...

Mr. Wani Girish V., Advocate for the Petitioner
Mr. Kutti Prassana N., Advocate for Respondent Nos. 1, 2 & 4
Mr. Bhushan Mahajan, Advocate for Respondent Nos. 5a to 5e & 8

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 18.07.2025

PER COURT :-

1. Heard learned Advocates appearing for respective parties.
2. The present writ petition takes exception to order dated 06.08.2019 passed below Exhibit 71 in Regular Civil Suit No.50 of 2012, by which application filed by petitioner/plaintiff seeking permission for addition of parties has been declined.
3. Mr. G. V. Wani, learned Advocate appearing for petitioner submits that R.C.S. No.50 of 2012 is instituted by petitioner seeking decree of partition and separate possession. The suit house property is situated at City Survey No. 4438, Dharangaon Dist. Jalgaon. Mr. Wani contends that during pendency of suit, suit property has been transferred and, therefore, defendant Nos.8 and 9/purchasers are required to be added as parties in suit. He submits that said application is rejected

merely on the ground that requisite particulars regarding transactions are not given or supporting documents are not filed. Mr. Wani further submits that petitioner is in possession of all such documents and he can produce the same at the time of evidence.

4. Learned Advocate appearing for respondent vehemently opposes contentions raised by Mr. Wani. He submits that application sans requisite particulars, so also supporting documents were not filed on record of suit. Hence, learned Trial court has rightly refused to entertain such application.

5. Having considered submissions advanced and particularly contention of petitioner that he is in possession of record of transactions and ready to produce requisite particulars depicting transfer of property during pendency of suit. It would be appropriate to set aside impugned order and grant opportunity in favour of petitioner to file particulars of transaction made in favour of defendant Nos.8 and 9.

6. In that view of the matter, writ petition is **partly allowed**. Impugned order is quashed and set aside. Petitioner shall be at liberty to produce on record documents depicting transaction of suit property in favour of defendant Nos.8 and 9. Upon production of such documents and subject to contentions of respondents, learned Trial Court shall reconsider

application on its own merits and pass necessary order.

7. Since suit is pending from year 2012, learned Trial Court shall endeavour to decide suit as expeditiously as possible and in any case within a period of one (01) year from today.

8. Parties to cooperate.

[S. G. CHAPALGAONKAR, J.]

HRJadhav