



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO. 9245 OF 2025
IN SAST/22525/2025

KISHOR S/O MURLIDHARRAO GHUGE AND ORS
VERSUS
MUDIDHAR S/O SATWARAO GHUGE AND ORS

WITH CIVIL APPLICATION NO. 9246 OF 2025
IN SAST/22525/2025

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Advocate for Applicants : Ms. More Shubhangi Digambar.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 26.08.2025

PER COURT :-

1. Issue notice to the respondents, returnable on
23.09.2025.

Civil Application for Stay

2. Issue notice to the respondents, returnable on
23.09.2025.

3. I have considered submissions of learned counsel for the
appellants. *Prima facie* substantial questions of law are
involved in second appeal which are as follows :

(i) Appellants can be non-suited for non-joinder of necessary parties when the persons who are involved in earlier partition are not necessary parties for the present suit ?

(ii) When specific pleading regarding transaction of respondent No.1 with respondent No.2 was without legal necessity was taken, no issue was framed, when the Trial Court justified in dismissing the suit. There are other questions also which are required to be dealt with during the course of admission.

4. There shall be ad-interim relief in terms of prayer clauses “B” and “C”.

5. Civil application for stay is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-