

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15925 OF 2023

Rangnath Gyanba Agarkar And Others

VERSUS

Rekha Dashrath Mali And Others

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Advocate for the Petitioners : Mr. Tungar Hrishikesh V.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 15, 2025

PER COURT :

1. Heard Mr. Tungar, learned counsel for the petitioners.
2. By way of present petition, the petitioner assails the order dated 05.09.2022 passed below Exhibit-114 by the learned Joint Civil Judge, Junior Division, Renapur in R.C.S. No.116 of 2011, whereby the application filed by defendant no.1 for deleting issues nos.1 and 5 came to be rejected.
3. The learned Trial Court while considering the application has observed that the plaintiff was not the party to the earlier partition suit, as she did not join in the appeal which is pending and whether the suit is hit by principle of *res judicata* and whether the plaintiff is entitled for partition, are also the issues to be considered by the learned Trial Court. All these issues will be decided on merit. Therefore, I am not inclined to entertain the present petition.

(2)

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

(SIDDHESHWAR S. THOMBRE, J.)