

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.750 OF 2024

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Archana Anand Yelmar & Anr.

... Petitioners

V/s.

Trupti Dattarey Chaugule

Trupti Murlidhar Yelmar & Anr.

... Respondents

Mr. Dinesh W. Bhosale for the petitioners.

Mr. Rahul B. Khot for the respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : NOVEMBER 4, 2025

PC.:

1. Present Writ Petition takes exception to order dated 1st December 2023 passed by learned Joint Civil Judge, Junior Division, Pandharpur in Regular Civil Suit No. 131 of 2020, whereby petitioners have been directed to add respondent No.1 as a party-defendant in the suit.

2. The petitioners instituted a suit for a decree of partition and separate possession in respect of suit properties, particularly property described in plaint paragraph No. 1B, i.e., Block No. 172. Admittedly, aforesaid property was subject matter of Regular Civil

Suit No. 162 of 2006, which was instituted for partition and separate possession, in which a compromise decree has been passed and a share has been allotted to respondent No. 1.

3. Present suit has been instituted by petitioners seeking partition and separate possession against respondent No. 2. The suit property, which was subject matter of Regular Civil Suit No. 162 of 2006, is also shown as suit property in the present suit. Any decision by the Court in present suit is likely to affect rights of the respondents. In this background, learned Trial Court allowed application filed by respondent No.1 below Exhibit 74, directing petitioners to add her as a party-defendant in suit.

4. Mr. Bhosale, learned Advocate appearing for petitioners, contends that compromise decree passed in Regular Civil Suit No. 162 of 2006 has not been executed by respondent No.1. Therefore, she cannot seek intervention in present suit.

5. It is true that decree passed in Regular Civil Suit No. 162 of 2006 is not executed till date. However, fact remains that the share which was allotted to respondent No. 1 pursuant to decree passed in Regular Civil Suit No. 162 of 2006 is also made part of the suit property.

6. The learned Trial Court has, rightly, observed that respondent No. 1 would be an interested party in subject matter of suit property and is entitled to intervene in suit. Apparently, the Trial Court has rightly exercised jurisdiction under Order I Rule 10(2) of the Code of Civil Procedure, 1908. No interference is required to be caused in the exercise of writ jurisdiction of this Court. In result, Writ Petition is **rejected**.

7. However, looking to the nature of dispute and controversy involved, Trial Court shall endeavour to decide suit expeditiously and, in any case, within a period of one year from today.

8. Parties to cooperate with Trial Court for expeditious disposal of the suit.

9. Pending interlocutory application(s), if any, stands disposed of.

(S. G. CHAPALGAONKAR, J.)