



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.145 OF 2025**

Sulochana Bajirao Charankar and Ors. ... Applicants
versus
Rangubai Bajirao Charankar and Ors. ... Respondents

Mr. Kuldip T. Pawar i/by Mr. Pravinkumar P. More, for Applicants.

CORAM: N.J.JAMADAR, J.

DATE : 30 APRIL 2025

P.C.

1. Heard the learned Counsel for the Applicants.
2. The challenge in this application is to an order dated 28 February 2025 passed by the learned Civil Judge, whereby the application preferred by the applicant for rejection of the plaint in Special Civil Suit No.62 of 2023 instituted for partition and separate possession on the ground that the Plaintiff had not included a house property situated at Saidapur in the suit properties, came to be rejected.
3. The learned Civil Judge was of the view that, the contention that the said house property at Saidapur formed part of the joint family property and was a partible property, was a matter of defence of the Defendants and could not have been taken into account at the stage of prayer for rejection of the plaint.
4. Learned Counsel for the Applicants submitted that in view of the

enunciation of law in the case of Govindrao V/s. Dadarao¹ a suit for partial partition is not maintainable and, therefore, the plaint ought to have been rejected.

5. I am unable to persuade myself to agree with the submission of the learned Counsel for the Applicants. Whether the house property at Saidapur forms part of the joint family property and is a partible estate, is essentially rooted in facts and merits adjudication at the trial. From the perusal of the averments in the plaint and the documents annexed with it, the aspect of the suit being barred by any law, does not become evident. Therefore, the learned Civil Judge was justified in rejecting the application for rejection of the plaint.

6. Keeping open all the contentions with regard to the said house property being a joint family property and the instant suit being not maintainable for not bringing the said property in the common hotchpotch, the Civil Revision Application stands rejected.

(N.J.JAMADAR, J.)

¹ 2004(4) Mh.L.J. 653