

VRJ

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

WRIT PETITION NO.6772 OF 2024

VAIBHAV
RAMESH
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Vaibhav Dilip Mane

... Petitioner

V/s.

Rajan Alias Abhiman Mane & Anr.

... Respondents

Mr. Samir Kumbhakoni for the petitioner.

Mr. Padmanabh D. Pise with Sejal A. Hariyan and
Prathamesh Patil i/by P. Padmanabh & Associates for
respondent No.2.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : OCTOBER 10, 2025

P.C.:

1. Present writ petition takes exception to order dated 13th December 2022, passed below Exhibit – 12 in Regular Civil Suit No.159 of 2019.

2. The petitioner is original plaintiff in Regular Civil Suit No. 159 of 2019, instituted for relief of declaration and perpetual injunction. It is contention of the plaintiff that Abaji @ Abhiman Siddhu Mane was original owner of the property. On 27th January 1998, partition of ancestral property took place. Consequently,

mutation has been effected. The suit property was allotted to father of plaintiff, and therefore, he seeks to claim his right over suit property against claim of defendant. It is further contention of plaintiff that 34 R out of the suit property has been acquired for widening of the national highway. The compensation has been determined by competent authority under Section 3(H) of National Highways Act, 1956. As such, there is a dispute regarding entitlement to receive a share in the compensation.

3. Respondent No.2–intervener filed an application below Exhibit–12 under Order I Rule 10 of the Civil Procedure Code, 1908, seeking impleadment as a party in suit. It is the contention of intervener that suit property was owned by deceased Abaji @ Abhiman Siddhu Mane, and interveners are his daughter and widow. They, being heirs of the original owner, are entitled to a share in suit property and consequential compensation.

4. The Trial Court allowed application vide order dated 13th December 2022.

5. The learned advocate appearing for petitioner submits that suit is filed on the basis of partition that took place on 27th January 1998. There was no challenge to such partition at any

point of time. If the interveners want to claim any right in suit property, they ought to have filed an independent suit. Their impleadment would change complexion and nature of present suit. Therefore, such an application could not have been allowed.

6. Learned advocate appearing for respondents supports the impugned order.

7. Perusal of reasons adopted by Trial Court shows that since interveners are daughter and widow of deceased Abaji @ Abhiman Siddhu Mane, who was original owner of suit property, they would have right to dispute partition as claimed by plaintiff. Apparently, there is no dispute as to the relationship of interveners with plaintiff and defendant No.1. It is also not disputed that Abaji @ Abhiman Siddhu Mane was original owner of the suit property. Since plaintiff is claiming relief of declaration of ownership, which would definitely affect rights of interveners who are daughter and wife of original owner, hence, their presence in suit is necessary.

8. In that view of the matter, the Trial Court is justified in permitting their impleadment in exercise of powers under Order I Rule 10(2) of the Civil Procedure Code, 1908. No case is made out to interfere under writ jurisdiction of this Court.

9. Hence, writ petition stands rejected.

(S. G. CHAPALGAONKAR, J.)