

VRJ

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

WRIT PETITION NO.12372 OF 2024

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Dattatrya Yashwant Jadhav & Anr. ... Petitioners

V/s.

Bajrang Yashwant Jadhav & Ors. ... Respondents

Niranjan Bhavake with Sandeep Deshpande i/by
Bhavake and Associate Advocates for petitioners.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : SEPTEMBER 12, 2025

P.C.:

1. Present writ petition takes exception to compromise decree passed in Regular Civil Suit No.160 of 2009 in Lok Adalat. It is not in dispute that one Yashwant Ananta Jadhav had three sons. In Regular Civil Suit No.420 of 1988 for partition and separate possession, in pursuance of decree in the suit, shares in ancestral property were allotted to three sons and father. Later on, in Regular Civil Suit No.160 of 2009 filed by one of the sons, i.e., Bajrang Yashwant Jadhav, against his father and mother, a compromise decree was passed whereby Bajrang Yashwant Jadhav was given the share of property allotted to father as per previous decree.

2. While assailing aforesaid compromise decree, learned

advocate appearing for petitioners invites the attention of this Court to the pleadings, which suggest that Bajrang Yashwant Jadhav was the only son of Yashwant Ananta Jadhav and his wife, Sundarbai Yashwant Jadhav. According to him, the statement made in plaint itself was fraudulent. Eventually, compromise decree passed in that suit is liable to be quashed and set aside on the ground of fraud.

3. It is apparent that as per previous decree, Yashwant Ananta Jadhav had acquired absolute ownership of suit property bearing Gat No.589/1, situated at Village Nimgaon, Taluka Malshiras, District Solapur. He was in absolute control and in a position to dispose of the suit property, and there could not have been any impediment upon him to deal with such property. The petitioners cannot claim any right in the suit property once they had already received their share in the partition as per previous decree. In that view of the matter, during his lifetime, Yashwant Ananta Jadhav accrued the ownership to his son, Bajrang Yashwant Jadhav, who owns suit property, and petitioners cannot object to the same. In any case, the decree passed in suit in Lok Adalat cannot be termed a fraudulent decree so as to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

4. In result, writ petition stands bereft as dismissed.

(S. G. CHAPALGAONKAR, J.)