

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.11563 OF 2025**

1. Somnath Jyotiram Atale
Age- 45 years
2. Narayan Jyotiram Atale
Age- 43 years
3. Lahu Jyotiram Atale
Age- 38 years
4. Mira Prakas Atale
Age 40 years
R/at Atali Village
Post Petri, Tal Satara
District Satara

..Petitioners

(Orig. Defendants No.1a to 1d)

Versus

1. Yashoda Alias Banubai Dagadu Shedge
Age 75 years Occ Housewife
R/at Parambe, Post Petri,
Tal and Dist Satara
2. Shankuntala Bapurao More
Age 48 years
R/at Petri, Tal and Distr Satara
3. Shila Narayan Chikane
Age 38 years, Occ Household
R/at Doledare, Post Kusumbi
Tal Jawali, District Satara
4. Anusaya Suresh Chikane
Age 36 years,
R/at Chikanwadi, Post Dundh
Tal Jawali, District Satara
5. Ramchandra Laxman Atale
Age 75 years, Occ Agriculture
R/at Devakal, Post Petri, Tal and District Satara
6. Nathuram Laxman Atale
Age 72 yearsm
R/at Atali, Post Petri,
Tal and Dist Satara

..Respondents

(No. Orig. Plaintiffs No.2 to 4 original
Defendant No.1e to 1f, 5 and 6
Defendant No.2 and 3)

...
Mr. Vaibhav R. Gaikwad, Advocate for Petitioners.
Mr. Vishwanath S. Talkute a/w Mr. Pratik Bhojane and Mr. Mahesh Bhosale, Advocate for Respondents.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th DECEMBER, 2025.

FINAL ORDER:-

1. The present Writ Petition takes exception to order dated 29.09.2025 passed by Joint Civil Judge Senior Division, Satara below Exhibit-120 in Regular Civil Suit No.613/2014, by which prayer of applicants for setting aside order of closure of evidence and permission to lead further evidence has been rejected.
2. The respondent no.1 herein has instituted Regular Civil Suit No.613/2014 seeking relief of declaration and injunction. The petitioners contested suit by filing written statement. In year 2022, plaintiff submitted evidence affidavit. Thereafter, defendants started recording of evidence. The evidence affidavit of defendant no.1 was tendered, however, he failed to attend hearing. Eventually, on 05.05.2025 his evidence was discarded. On 07.07.2025 evidence of defendant was closed. The petitioners/defendants filed application below Exhibit-120 to set aside orders dated 05.05.2025 and 07.07.2025, by which evidence of defendant no.1 was discarded and further evidence was closed. By impugned order, said application has been rejected.

3. Looking to the nature of controversy involved in suit and conduct of petitioners while issuing notice of this writ petition, petitioners were directed to deposit amount of Rs.25,000/- with Trial Court to show bonafide. Accordingly, petitioners have deposited said amount.

4. Mr. Vaibhav Gaikwad, learned Advocate appearing for petitioners has placed on record list of six witnesses to be examined in trial, including evidence of defendant no.1 and undertakes this Court that petitioners would complete recording of entire evidence within period of eight weeks.

5. Considering submissions advanced, following order is passed:

ORDER

a. Writ Petition is partly allowed in terms of prayer clause (a) subject to following conditions:

(i) The petitioners shall complete recording of evidence of following witnesses within period of two months from today:

Sr. N o.	Name of Witness	Particulars
1	Somnath Atale	Defendant No.1d
2	Tanaji Ganpat Atale	Adjacent owner for possession
3	Ramchandra Laxman Umbrkar	Adjacent owner for possession
4	Santosh Sahadev Atale	Son of witness to adoption deed
5	Shankar Krushna Ambedkar	Son of Scribe who written deed
6	Legal heris of Madhukar Puroshattam Margular	

(ii) The petitioners shall not be entitled for adjournment beyond two months on any count for recording of evidence. Once defendants closes evidence. Trial Court shall endeavour to decide suit by 30.04.2026.

(iii) The cost of Rs.25,000/- deposit by petitioners be disbursed to respondent no.1.

(S. G. CHAPALGAONKAR)
JUDGE