

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

SANTOSH
SUBHASH
KULKARNI

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WRIT PETITION NO. 4958 OF 2025

Sandip Vishnu Bhale and ors. ...Petitioners

Versus

Nahid Mahamak Musa and ors. ...Respondents

Mr. Nachiket Khaladkar, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED: 17th APRIL, 2025

PC:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order dated 17th February, 2025 passed by the learned Civil Judge, Vadgaon-Maval, whereby the prayer of the petitioners – plaintiffs to frame additional issues came to be rejected.
3. The plaintiffs have instituted the suit for a declaration that the plaintiffs are the lawful owners and in possession of the suit property and that the sale deed dated 2nd May, 1996 registered in the office of the Sub-Registrar is void-ab-initio and not binding on the plaintiffs and the suit property. The plaintiffs have purportedly acquired the suit property under the sale deed dated 19th October, 2002. In the wake of the pleadings, the trial court framed issues at Exhibit-65 including the issue as to

whether the plaintiffs have proved their title and possession over the suit property.

4. The plaintiffs preferred the application for settlement of issues as to the validity of the sale deed of the defendants and as to whether the defendants were the agriculturist on the date of the purchase of the subject agricultural land. By the impugned order, the learned Civil Judge was persuaded to reject the application observing that it was for the plaintiffs to establish their title and possession over the suit property.

5. Evidently, the plaintiffs have purchased the suit property subsequent to the execution of the sale deed by the vendors of the plaintiffs in favour of the defendants. To succeed in the suit, the plaintiffs will have to establish their title and possession over the suit property. In these circumstances, the learned Civil Judge was justified in rejecting the application for framing additional issues as once the plaintiffs succeed in establishing their title over the suit property, the investigation into the antecedent title of the defendants may not be warranted. Therefore, this Court does not find any justification to intervene with the impugned order in exercise of supervisory jurisdiction.

6. Petition stands dismissed.

[N. J. JAMADAR, J.]