



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.335 OF 2025

1. Smt. Rajanibai Ravindra Deshmukh,
Age 60 years, Occ. Agriculturist,
2. Chaitali Ravindra Deshmukh,
alias Mrs. Chaitali Rajendra Raut
(married name) Age: 35 year,
Occ. Household, R/o. Rui Gosta,
Shendurjana Tq: Manora,
Dist. Washim.
3. Hemant Ravindra Deshmukh,
Age: 29 year, Occ. Photographer,
All R/o. Near Old Post Office,
Arni, Tq. Arni, Dist. Yavatmal. **PETITIONERS**

...VERSUS...

1. Vasant Atmaram Keshavwar through
LRs.
- 1-A. Smt. Rupatai Vasantrao Keshawar,
Age about 85 Yrs., Occ. Housewife,
R/o. Shastri Nagar, Arni, Tq. Arni,
Dist. Yavatmal.
- 1-B. Dattatray Vasantrao Keshawar,
Age about 71 Yrs., Occ. Service,
R/o. Gandhi Nagar, Arni,
Tq. Arni, Dist. Yavatmal.
- 1-C-I. Seema Kishor Keshawar,
Age about 60 Yrs., Occ. Housewife,
R/o. Deurwadi (Purva), Tq. Arni,
Dist. Yavatmal.

- 1-C-II. Snehal Kishor Keshawar,
Age about 40 Yrs., Occ. Service,
R/o. Deurwadi (Purva), Arni,
Tq. Arni, Dist. Yavatmal.
- 1-C-III. Vaibhav Kishor Keshawar,
Age about 37 Yrs., Occ. Business,
R/o. Deurwadi (Purva), Arni,
Tq. Arni, Dist. Yavatmal.
- 1-C-IV. Vishal Kishor Keshawar,
Age about 34 Yrs., Occ. Education,
R/o. Deurwadi (Purva), Arni,
Tq. Arni, Dist. Yavatmal.
- 1-D. Rajendra Vasant Rao Keshawar,
Age about 66 Yrs., Occ. Business,
R/o Gandhi Nagar, Arni,
Tq. Arni, Dist. Yavatmal.
- 1-E. Sanjay Vasant Rao Keshawar,
Age about 63 Yrs., Occ. Business,
R/o. Shastri Nagar, Arni, Tq. Arni,
Dist. Yavatmal.
- 1-F. Vijay Vasant Rao Keshawar,
Age about 60 Yrs., Occ. Business,
R/o. Shastri Nagar, Arni, Tq. Arni,
Dist. Yavatmal.
- 2-A. Smt. Kamal W/o Abadas Keshawar,
Age about 88 Yrs., Occ. Housewife,
R/o. Bapu Nagar, Digra, Tq. Digra,
Dist. Yavatmal.
- 2-B. Sau. Alka W/o Gajanan Padgilwar,
Age about 57 Yrs., Occ. Housewife,
R/o. Vitthal Nagar, Digra, Tq. Digra,
Dist. Yavatmal.
- 2-C. Sau. Anita W/o Gajanan Tagadpallewar,
Age about 53 Yrs., Occ. Housewife,
R/o. Tahsil Quarter, Mahagaon,
Tq. Mahagaon, Dist. Yavatmal.

- 2-D. Sau. Sunita W/o Vilasrao Bhaskarwar,
Age about 51 Yrs., Occ. Housewife,
R/o. Papinwar Layout Pusad, Tq. Pusad,
Dist. Yavatmal.
- 2-E. Sau. Neha @ Vandana Udayrao Pabitwar,
Age about 49 Yrs., Occ. Housewife,
R/o. Wai Bazar, Tq. Mahur, Dist. Nanded.
- 2-F. Atul S/o Ambadas Keshawar,
Age about 47 Yrs., Occ. Business,
R/o. Bapu Nagar, Digra, Tq. Digra,
Dist. Yavatmal.
- 2-G. Rajendra Ambadas Keshawar,
Age about 61 Yrs., Occ. Service,
R/o. Vishwas Apartment Dahiwalkar
Layout Gilani Nagar, Yavatmal.
Dist. Yavatmal.

..... **RESPONDENTS**

Mr. R. D. Bhuihar, Advocate for Petitioners.
Mr. Irfan M. Ghongade, Advocate for Respondent Nos.1-A
to 2-G.

CORAM: **ANIL L. PANSARE, J.**

DATE: **11th MARCH, 2025.**

ORAL JUDGMENT:

1. Heard.
2. Issue Rule, returnable forthwith. Mr. I. M. Ghongade,
learned counsel waives service of notice for respondent nos.1-A to
2-G. With consent of learned counsels for the parties, the petition
is taken up for final hearing.
3. The suit in question was filed by the
respondent/original plaintiff and was dismissed by the trial court

vide judgment and decree dated 20.12.2019. The respondent challenged the decree before the first Appellate Court in RCA No.3/2022. The respondent filed composite application under Order VI Rule 16 and Order VI Rule 17 for striking of pleadings in the plaint and also for amendment in the pleadings. The first Appellate Court was pleased to allow the application but without recording any reasons as regards permitting striking of the pleadings.

4. The counsel for petitioner submits that by allowing such application/s the first Appellate Court allowed respondent to delete the amendment made in the pleadings which has far reaching effect to the issue involved in the appeal.

5. As against the counsel for respondent submits that the petitioner has played a fraud with authorities below and therefore, the first Appellate Court has rightly allowed the application.

6. To my mind, the first Appellate Court was duty bound to assign reasons while allowing the application. Some reasons are given for allowing amendment, however, there is absolutely nothing to indicate as to why respondent was allowed to delete the pleadings.

7. The Hon'ble Supreme Court in the case of *Assistant Commissioner, Commercial Tax Department, Works Contract and*

Leasing, Kota v. Shukla and Brothers [(2010) 4 SCC 785] while highlighting importance of reasoned order/judgment held in following terms:

“27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. there are apt observations in this regard to say “failure to give reasons amounts to denial of justice”. Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.”

8. Thus, the Hon’ble Apex Court in so many words, has explained the importance of reasoned order/judgment. The Hon’ble Apex Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law and is a mandatory requirement of procedural law.

9. Put altogether, the order impugned does not stand scrutiny of law inasmuch as the first Appellate Court has assigned no reasons while allowing deletion of the pleadings. The order impugned therefore, is liable to be quashed and set aside.

Hence, following order:

ORDER

(i) The petition is partly allowed. The order dated 22.10.2024 passed by the learned District Judge-1, Darwha in Regular Civil Appeal No.3/2020 is quashed and set aside. The application, Exh.22 is restored to file of the first Appellate Court and shall be considered afresh in accordance with law and what has been stated in the body of the order.

(ii) Rule is disposed of in above terms. No order as to costs.

(ANIL L. PANSARE, J.)