



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

WRIT PETITION NO. 2909 OF 2025

(Manohar Baliram Borade (dead), through his LR Kusum Manohar Borade Vs. Atul s/o Pandurang Lokhande & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Ram Karode, Counsel for the petitioner.

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CORAM : ANIL L. PANSARE, J.
JUNE 10, 2025

The petitioner – original plaintiff no.4 filed an application before the trial Court seeking her transposition as defendant no.1. According to the petitioner – plaintiff no.4, defendant no.1, who expired pending suit, was her father-in-law, who had allegedly sold ancestral property to defendant no.2, and accordingly, one of the reliefs, as sought, was for declaration that the said sale deed is null and void and not binding on the plaintiffs, including the petitioner – plaintiff no.4.

2] The trial Court, taking note of the said relief, refused to permit the petitioner – plaintiff no.4 to transpose herself as defendant no.1.

3] Having gone through the record, it appears that the plaintiffs, including the petitioner – plaintiff no.4, filed a suit for partition, separate possession, permanent injunction and declaration. The reliefs of partition, possession and injunction are dependent on the prayer of declaration that the sale deed under question is null and

void and not binding on the plaintiffs. Thus, the core issue is whether the sale deed executed by defendant no.1 in favour of defendant no.2 is null and void ?

4] The petitioner – plaintiff no.4 is seeking relief against defendant no.1, but now intends to transpose her as defendant no.1, meaning thereby, that she will be seeking relief against herself, which is not permissible.

5] The order appears to be in tune with the provisions of law. No interference is called for in supervisory jurisdiction under Article 227 of the Constitution of India. The petition is dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit