

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

WRIT PETITION NO.6699 OF 2025

SMT. KAUSHALYADEVI WD/O GAURISHANKAR LOHIA AND ANOTHER
VERSUS
 ASHOKKUMAR S/O BALCHANDJI LOHIYA AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.L. Khapre, Senior Advocate a/b Mr. K.P. Mahalle, Advocate for Petitioners.
 Mr. C.A. Lohia, Advocate for Caveator/Respondent No.1.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 04th NOVEMBER 2025

1. Heard learned Senior Advocate for the petitioners.

2. The petitioners' challenge is to the order dated 14.10.2025, passed by the trial court, thereby rejecting the application filed by the petitioners, who are defendant Nos.1-a and 1-b in Special Civil Suit No.115 of 2018.

3. Learned Senior Advocate for the petitioners submits that, after the amendment application was allowed granting permission to the plaintiff to add the property situated in Rajasthan, in accordance with the provisions of Order VI Rule 17 of CPC (Bombay Amendment), a fresh notice is required to be issued to the defendants and therefore, an application at Exhibit 382 was filed before the trial court. It is submitted that, by ignoring the purport of Bombay Amendment to Order VI Rule 17 of CPC and the position of law as laid down by the Coordinate Bench of this Court in the case of

Rajbahaddur Jiyaram Yadav Vs. Prakash @ Pappu Jiyaram Yadav and Others, [2016(1) ALL MR 550], the impugned order is passed.

4. In view of the above, issue notice to the respondents, returnable on 26th November 2025.

5. Advocate Mr. C.A. Lohia, who appears on caveat, waives service of notice on behalf of respondent No.1.

6. In the meantime, ad-interim relief in terms of prayer clause '2', which is reproduced as under, shall operate.

“2) Stay all further proceedings in Spl. C. S. No. 115/2018 pending before the 5th Jt. Civil Judge, Sr. Division, Akola during the pendency of the instant writ petition.”

(PRAFULLA S. KHUBALKAR, J.)

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