

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 692 OF 2026

Subhash Misrilal Chordiya

VERSUS

Ujwala Surendra Hapse And Others

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Advocate for the Petitioner : Mr. Jayabhar Shubham Dattatrya

Advocate for Respondent Nos.4 & 6 : Mr. N.B. Narwade

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JANUARY 20, 2026

PER COURT :-

1. Heard.
2. Present petition takes exception to order dated 20.09.2025 passed below Exhibit-40 in Regular Civil Appeal No.03 of 2024 by District Judge-2 at Newasa, District Ahmednagar, whereby petitioner's application for transposition as appellant no.3 has been rejected.
3. It appears that respondent no.1 instituted R.C.S. No.389 of 2008 seeking decree of partition and separate possession. The petitioner herein was defendant no.7. During pendency of said suit, petitioner transferred the land purchased by him from defendant no.1 in favour of defendant nos.8 and 9. Ultimately, the Trial Court decreed the suit holding that respondent no.1 has 1/7th share in suit property and also declared that sale deed executed on 10.02.1998 and consequential sale deed dated 20.03.2013 is not binding on right of plaintiff.
4. Mr. Narwade, learned advocate appearing for respondent nos.8 and 9 informs that decree as passed is already executed. The

appeal is filed against decree by purchasers from petitioner i.e. defendant nos.8 and 9. In this background, petitioner sought his transposition as appellant along with original defendant nos.8 and 9.

5. The Trial Court after considering rival submissions observed that petitioner is already party to suit. He was added as defendant no.7. He filed written statement. He has also participated in appeal therefore, he can put up his stand. As such, transposition would not be necessary.

6. On perusal of reasons recorded in impugned order and submissions advanced by learned advocates appearing for respective parties, it can be observed that no specific ground is made out for permitting transposition of petitioner as appellant. Apparently, original defendant nos.8 and 9 have filed an appeal against decree. They are purchasers from petitioner. They are diligently prosecuting appeal. If petitioner has semblance of right in suit property and appellant fails to take effective steps or acts in collusion with decree holder, he may seek transposition as appellant. Pertinently, he is a party in appeal and entitled to put up his stand. In this background, no prejudice is caused to petitioner. The petitioner could not make out his right to be transposed as appellant. The Trial Court has rightly exercised its jurisdiction. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)