



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2830 OF 2025

Sheetal Yuvraj Patil And Others

VERSUS

Jaishree Chandrakant Patil And Others

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Mr. A. R. Vaidya, Advocate for the Petitioners

Ms. Anjali Dube, Advocate for Respondent Nos. 1 and 2

CORAM : S. G. CHAPALGAONKAR, J

DATE : APRIL 07, 2026

PC :

1. The Petitioners takes exception to order dated 07.12.2024 passed below Exhibit 61 in Special Civil Suit No. 96/2015 whereby Petitioners prayer for impleadment of parties under Order I, Rule 10 of Code of Civil Procedure came to be dismissed.

2. The Petitioners filed a suit for partition and separate possession. The Defendants appeared and filed written statement and took a specific plea that sisters of Chandrakant are having a share and, therefore, they are necessary and proper parties in suit for partition. In wake of aforesaid observations, Petitioners filed an application below Exhibit 61 seeking permission to add them as necessary parties in suit. The Trial Court refused to entertain said application on the ground that Petitioners referred them as formal parties and not necessary parties. It is true that Petitioners have cautiously drafted application keeping in

mind their own contention that sisters of Chandrakant would not have any share in suit property, however, in wake of objections taken in written statement and to avoid multiplicity of litigation, they took steps of filing application for addition of parties, which according to Defendants, were necessary for adjudication of proceedings.

3. If pleadings in plaint and written statement are considered together, question would arise for consideration as to whether sisters of Chandrakant are having no share in suit property. So any decision in suit in this regard would affect rights, if any, of parties who are proposed to be added as Defendants. Therefore, they may be either necessary or proper parties for adjudication of decision. In any case, their presence in the suit would be proper.

4. In light of aforesaid factual backdrop, Trial Court ought to have allowed application filed by Petitioners below Exhibit 61. This Court finds that Trial Court fell into jurisdictional error while rejecting application Exhibit 61. In result, Writ Petition stands allowed in terms of prayer clause 'B'. Amendment to be carried out in plaint within a period of two weeks from today.

(S. G. CHAPALGAONKAR, J.)

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