



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO. 4048 OF 2025

Raghunath Haribhau Kale And Another

VERSUS

Amit Prabhakar Rao Deodhar And Another

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Advocate for Petitioners : Mr. M.P. Tripathi

Advocate for Respondent 1 : Mr. Ajankya Reddy

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 17, 2026

ORDER :-

1. Heard learned advocates appearing for respective parties.

2. The petitioners impugn judgment and order dated 1.2.2025 passed by the Adhoc District Judge-2, Parbhani in M.C.A. No.62 of 2024, thereby upholding the judgment and order dated 12.8.2024 passed by learned Civil Judge J.D. Sailu below Exhibit-5 in R.C.S. No.81 of 2024, by which petitioners have been restrained from obstructing possession of plaintiff over suit property and also restrained from creating any third party interest till final disposal of the suit.

3. Mr.Tripathi, learned advocate appearing for petitioners endeavors to point out this Court that there is voluminous evidence in the form of record maintained by Municipal Council depicting that suit plots were never allotted to share of defendant in partition between him and his father.

4. Mr. Reddy, learned advocate appearing for respondent no.1 raises serious objection that the documents, which are sought to be relied upon in present writ petition were neither pleaded in written statement nor are placed on record of suit before Trial Court. First time petitioner cannot rely upon such documents in writ petition and seek reversal or modification of the impugned order.

5. Having considered submissions advanced by learned advocates appearing for respective parties, this Court finds substance in contention of Mr. Reddy that documents relied upon by the petitioners were not placed before trial court or there is no pleadings in support of such documents. However, fact remains that documents relied upon by petitioners are either record of Municipal Council and registered sale-deed. In these circumstances, petitioners can be granted liberty to approach Trial Court with additional documents alongwith

necessary application for amendment in pleadings and claim modification or vacation of impugned order passed by Trial Court.

6. With the aforesaid liberty, writ petition stands **disposed of**. Needless to state that this Court has not touched to merits of contentions of petitioners and all points are kept open.

(S. G. CHAPALGAONKAR, J.)

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