



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10458 OF 2025

BALU RAMJI GOYKAR SINCE DIED THR LRS SANJAY BALU
GOYKAR
VERSUS
DATTU THHAMAJI GOYKAR AND OTHERS

...
Mr. Dhananjay A. Naik, Advocate for the Petitioner.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th JANUARY, 2026.

P.C.:-

1. The petitioner impugns order dated 05.08.2025 passed below Exhibit-164 by Civil Judge Junior Division, Newasa in Regular Civil Suit No.469/2007, by which application filed by respondents/plaintiffs seeking permission to record further evidence has been allowed.
2. Mr. Dhananjay Naik, learned Advocate appearing for petitioners submits that application seeking permission to lead further evidence is filed at fag end of proceeding in suit, when evidence of parties was already recorded. He would further submit that reasons recorded for granting application are also not in consonance with record.
3. Having considered submissions advanced, it can be observed that respondents/plaintiffs have filed suit for partition and separate possession. During pendency of suit defendant no.1 expired. The legal representatives of defendant no.1 filed written

statement on 15.03.2024. However, it was not read and recorded by Court. On 07.12.2024 at the time of cross-examination of legal representatives of defendant no.1, Court passed order as “read and recorded” on written statement. By that time plaintiffs’ evidence was already closed. Apparently, plaintiffs lost opportunity to controvert contents of written statement filed by legal representatives of defendant no.1. In this background, Trial Court allowed application. This Court do not find jurisdictional as order is passed with intention to give full opportunity to controvert contents of additional written statement taken on record belatedly.

4. The learned Advocate appearing for petitioner submits that proceeding in suit is unnecessarily dragged due to conduct of plaintiffs.

5. There appears substance in contention of petitioner that suit is prolonged, as it is filed in year 2007. In this background, it is expected that Trial Court would endeavour to decide suit expeditiously and in any case within period of six months from today.

6. With aforesaid observations, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE