



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15490 OF 2025

KONTABAI VISHWANATH MAHANVAR AND OTHERS
VERSUS
SEETA NANA SHINDE AND OTHERS

...
Mr. D. A. Mane h/f Mr. Nagesh G. Talekar, Advocate for the
Petitioners.

Mr. Babasaheb A. Dhengle, Advocate for Respondent No.1.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 15th APRIL, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 18.11.2025 passed below Exhibit-43 by Civil Judge Junior Division, Bhoom in Regular Civil Suit No.492/2019.

2. The petitioners are original defendants in suit. The suit is instituted for partition and separate possession of suit property. It is contention of petitioners that they have purchased suit property under registered sale deeds executed by defendant nos.3 to 5 for legal necessity.

3. The Trial Court framed issues below Exhibit-41. Issue No.4 reads as under:

“Whether plaintiff proves that, sale deed of land in block No.66, Adm. 65-R situated at village Dudhodi, Tq. Bhoom and sale deed bearing No.2171/2/114 dated 12.09.2017 and sale deed No.677/3/16 dated 09.04.2019 are not binding upon her shares?”

4. In light of the aforesaid issue, petitioner no.1/original defendant no.8 filed an application seeking framing of issue with regard to legal necessity. However, Trial Court refused to entertain said application.

5. Considering pleadings of parties and controversy in suit, it appears that, sale deeds dated 12.09.2017 and 09.04.2019 are subject matter of indirect challenge in suit. The plaintiffs seek to contend that both sale deeds are not binding upon them, whereas defendants contend that sale deeds are for legal necessity and same are binding upon plaintiffs.

6. In view of aforesaid contentions of parties, this Court finds that Trial Court ought to have framed one more issue, which would have enabled parties to lead their evidence accordingly. Therefore, Trial Court shall frame following issue:

“Whether defendant no.8 proves that sale deeds dated 12.09.2017 and 09.04.2019 were executed for legal necessity and whether same are binding on rights of plaintiffs in suit property?”

7. In that view of matter, Writ Petition is partly allowed.

8. Parties to co-operate for early disposal of suit.

9. The Trial Court shall endeavour to decide suit expeditiously.

(S. G. CHAPALGAONKAR)
JUDGE