



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO. 2176 OF 2026

DNYANDEO ALIAS DNYANESHWAR JOKHAJI KOKANE

VERSUS

SUBHASH DNYANDEO KOKANE AND OTHERS

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Advocate for the Petitioner : Mr. Rahul R. Karpe

Advocate for Respondent No.1 : Mr. Mohammad Waseemullah h/f. Adv. Z.M.pathan

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CORAM : ABASAHEB D. SHINDE, J.

DATE : 18.04.2026

PER COURT :

- . Heard learned counsel for the petitioner and learned counsel for respondent No.1.
2. By this Writ Petition, the petitioner takes an exception to the order dated 06.12.2025 passed by the 4th Civil Judge Junior Division, Newasa below Exh.72 in R.C.S. No.485 of 2008 by which the learned trial Court has rejected the application seeking framing of additional issue.
3. The respondent No.1 instituted a suit for partition and separate possession against the petitioner as well as rest of the respondents on 07.07.2008. The petitioner alongwith other defendants filed their written statement on 28.08.2017. Pursuant to the pleadings, the learned trial Court framed issues below Exh.54 on 27.11.2017. It is almost after a period of eight years, the petitioner filed an application below Exh.72 on 29.09.2025 contending that additional issue '*Does*

defendant No.2 is prove that she is legally wedding wife of defendant No.1?” needs to be framed.

4. Perusal of the said application depicts that there is not a single whisper as to why the said application has been filed after a period of eight years.

5. I find that the learned trial Court has dealt with all the contentions raised by the parties even including the provisions of Section 101 of the Evidence Act, 1872 and has arrived at a conclusion that the application filed by the petitioner deserves to be rejected.

6. Learned counsel for the petitioner has reiterated the grounds which have been set out in the application as well as dealt with by the learned trial Court.

7. After hearing learned counsel for the petitioner and after going through the impugned order, I am of the considered opinion that the order passed by the learned trial Court is neither perverse nor erroneous and therefore, does not warrant interference of this Court under Article 227 of the Constitution of India.

8. I find that filing of such an application belatedly is nothing but an attempt to protract the trial. In that view of the matter, I am not inclined to interfere with the impugned order. As such, the Writ Petition stands dismissed.

(ABASAHEB D. SHINDE, J.)

vsj..