



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2763 OF 2026

KAMLAKAR HARIBHAU KULKARNI
VERSUS
JANABAI JAGANNATH AVHAD AND OTHERS

...
Advocate for the Petitioner : Mr. Rahul R. Karpe
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CORAM : S. G. CHAPALGAONKAR, J.

Date : 16th March, 2026

PER COURT :-

1. The petitioner raises an exception to the order dated 07.01.2026 passed by the learned Civil Judge Junior Division, Ahmednagar below Exh. 1 in Regular Civil Suit No. 346 of 2023. The petitioner has instituted R.C.S. No. 346 of 2023 before the Civil Judge Senior Division, Ahmednagar, for declaration and perpetual injunction.

2. The respondents No. 4 and 5 are the authorities of the State of Maharashtra, namely the District Collector and the Deputy Director of Land Records, Pathardi, Dist. Ahmednagar. The petitioner filed an application at Exh. 48 under Order I Rule 10(2) of the Code of Civil Procedure seeking deletion of respondents No. 4 and 5 from the array of parties, as the plaintiff has no cause of action against them. The learned Civil Judge Senior Division,

Ahmednagar, considered the contentions of the petitioner and permitted the deletion of defendants No. 4 and 5 from the suit. Due to the deletion of respondents No. 4 and 5, who are State authorities, the suit remains only against respondents No. 1 to 3, who reside in Taluka Pathardi, Dist. Ahmednagar. The Trial Court, accordingly, passed an order below Exh. 1 directing the transfer of the suit to the Court of the Civil Judge Junior Division, Pathardi, in whose jurisdiction the property is situated and defendants No. 1 to 3 reside.

3. In this backdrop, this Court finds no jurisdictional error in the impugned order. Needless to state, the suit shall be transferred at the stage of arguments as it stood before the Court of the Civil Judge Senior Division, Ahmednagar.

4. In view of the age of the petitioner-plaintiff, it is expected that the Trial Court decide the suit expeditiously and, in any case, within a period of three months from today. Accordingly, the writ petition stands disposed of.

(S. G. CHAPALGAONKAR, J.)

Omkar Joshi