

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3522 OF 2026

Vijaykumar Krishnarao Kulkarni

VERSUS

Prachi Lalitmohan Kulkarni And Others

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Advocate for the Petitioner : Mr. Muthiyan Namit Sunil

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 06, 2026

PER COURT :-

1. Present petition takes exception to order dated 24.12.2025 passed by Civil Judge Senior Division, Aurangabad below Exhibit-186 in R.C.S. No.1212 of 2001.

2. The petitioner is plaintiff no.2 in R.C.S. No.1212 of 2001. The suit is instituted by plaintiff for relief of possession of northern part of House No.2-17-58 which is part of CTS No.5725 at Nagakhana Galli, Aurangabad. The petitioner contends that plaintiff no.3 has sold out portion of suit property to third party. Hence, application was made for impleadment of purchasers in suit. The Trial Court while rejecting application observed that plaintiffs have not claimed any relief against third parties. The purchasers from plaintiff no.3 are not necessary parties for deciding controversy involved in suit.

3. Mr. Muthiyan, learned advocate appearing for petitioner submits that now, petitioner/plaintiff no.2 has moved an application for transposition of plaintiff no.3 as defendant in suit and said

application is pending. Even assuming that such application was pending, this Court finds that from pleading in plaint as it stands today, petitioner has not claimed any relief against third party purchasers. Therefore, their addition in suit at this stage would be uncalled for. However, in case petitioner's application for transposition of plaintiff no.3 is allowed and consequentially amendment is made raising claim against third party purchasers, he would be at liberty to make fresh application seeking their impleadment.

4. With these observations, writ petition stands disposed of.

(S.G. CHAPALGAONKAR, J.)