



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3792 OF 2026

Sumanbai Madhukar Danve

VERSUS

The State Of Maharashtra Through The Collector Jalna And Ors.

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Mr. V. D. Hon, Senior Advocate i/by Mr. A. V. Hon, Advocate for the Petitioner

Mr. S. D. Ghayal, AGP for Respondents

CORAM : S. G. CHAPALGAONKAR, J

DATE : APRIL 22, 2026

PC :

1. Heard learned Advocates for respective parties.
2. The present Writ Petition takes exception to order dated 25.11.2025 passed by 5th Joint Civil Judge, Senior Division, Jalna below Exhibit 59 in RCS No. 423/2023 by which Petitioner's prayer for framing of additional issue in suit has been rejected.
3. The Respondent herein filed suit for declaration that sale deed dated 12.04.2001 executed by Plaintiff No. 2 in favour of Defendant No. 5 is out come of fraud and not binding on right of Plaintiffs. Plaintiffs have also prayed for decree of perpetual injunction. Petitioner/Defendant No. 5 appeared in suit and filed written statement wherein he took a plea that since sale of land is governed by order passed by District Collector under provisions of Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (for short '**the Act**'), issue as regards to jurisdiction of Civil Court needs to be framed. The Trial Court, after considering rival contentions,

observed that Defendant No. 5 has admitted in paragraphs 2 and 3 in written statement that suit property was granted to father of Plaintiffs as per provisions of the Act. As such, no issue arises as to reliefs as per provisions of Act.

4. Perusal of plaint and written statement shows that sale deed in question is challenged on ground of fraud. There is no dispute that land in question was allotted under provisions of Act and also permission was granted on 28.07.2023 in respect of sale deed. Therefore, issue as regards to any dispute that requires decision by competent Authority under Act does not arise in present suit. The Trial Court is, therefore, justified in holding that issue as claimed need not be framed.

5. This Court do not find any reason to interfere in Writ Petition. In result, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR, J.)

Umesh