



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

79 WRIT PETITION NO. 4192 OF 2026

EKNATH MADHAV INGLE DIED THROUGH LR SHOBHA EKNATH INGLE
VERSUS
SANJUBAI SUBHASH BOROLE AND OTHERS

...
Mr. Girish V. Wani – Advocate for Petitioner

...
CORAM : S. G. CHAPALGAONKAR, J.
DATE : 20.04.2026

PER COURT :

1. The present petition takes exception to the order dated 16.03.2026 passed by learned Civil Judge, Junior Division, Dharangaon below Exhibit 233 in Regular Civil Suit No. 7 of 2012.
2. The petitioner's father had instituted Special Civil Suit No. 197 of 2002 seeking a decree of declaration of ownership and that sale deed dated 24.04.1998 executed by respondent No. 2 in favour of respondent No. 3 is invalid and not binding on rights of plaintiff. During pendency of suit, petitioner's father expired and petitioner was brought on record as his legal representative. Thereafter suit proceeded, evidence of parties came to be recorded and when matter reached stage of final hearing, petitioner filed an application for amendment under Order VI Rule 17 of the Code of Civil Procedure. The Trial Court declined to entertain prayer for amendment, hence present petition.

3. Learned Counsel – Mr. G.V. Wani for petitioner submits that, petitioner being daughter of deceased has a right in suit property. She is entitled to seek a declaration of such right and allotment of her share.

4. This Court finds that aforesaid submissions cannot be countenanced at this stage. Firstly, because application for amendment has been filed at the fag end of proceedings. Secondly, if petitioner has an independent right in suit property, she is at liberty to agitate the same independently. There was no foundation in original suit, which has been instituted by petitioner's father, so as to introduce a claim for partition and separate possession. Further, there is no explanation, whatsoever, as to why amendment has been sought after commencement of trial. In absence of due diligence, proviso to Order VI Rule 17 of Code of Civil Procedure squarely applies.

5. In that view of matter, this Court finds no reason to interfere with impugned order. Hence, present petition stands dismissed.

6. Needless to state that, all contentions of petitioner as regards her right in suit property are kept open and she would be at liberty to raise same in appropriate proceedings, in accordance with law.

7. Pending Civil Applications, if any, also stand disposed of.

[S. G. CHAPALGAONKAR]
JUDGE