IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4928 OF 2026

Dayanand Vittal Kamble ...Petitioner

Versus

Shivaji Shankarrao Mane And Ors ...Respondents

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Adv. Aditya S. Raktade a/w Adv. Sanket V. Patil and Adv. Ajit Jagtap, Advocate for Petitioner.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06th OCTOBER, 2026.

P.C. :

Heard.

2. Being aggrieved by order dated 26.09.2025 passed below Exhibit-169 and order dated 07.07.2026 passed below Exhibit - 183 in Regular Civil Suit No. 299 of 2010, petitioner has approached this Court.

3. Learned counsel for the petitioner has canvassed the submissions that the application Exhibit - 169 has been preferred belatedly on 26.02.2024. The sale deeds were executed in the years 1990, 2011 and 2013. The suit is old one and intervention of the third parties would cause prejudice to the petitioner, as it is for partition. Except the sale deed of 1990, rest of the sale deeds are executed during pendency of

the suit, hit by principles of lis pendens. The third parties are not necessary or proper parties.

4. The petitioner has filed RCS No. 299 of 2010 for partition and possession. The issues are settled and the suit is at the stage of recording of evidence. The respondent Nos. 1 to 3 are the purchasers from the father of the petitioner by sale deeds executed at different points of time. On the strength of the sale deeds, they submitted application Exhibit - 169 on 26.02.2024 seeking impleadment. By impugned order, application is allowed. The attempt to recall the order has failed due to the order dated 07.07.2026 passed below Exhibit - 183.

5. The respondent No. 1 has purchased part of the subject matter vide sale deed dated 02.05.1990 and 09.07.2013. The respondent No. 2 purchased part of the suit land on 09.09.2011. The respondent No. 3 purchased part of the suit land vide sale deed dated 15.10.2011 and 09.07.2013. Except the sale deed dated 02.05.1990, the rest of the sale deeds have been executed during pendency of the suit. Those sale deeds are subject to outcome of the suit.

6. The respondent Nos. 1 to 3 are the purchasers from the father of the petitioner and they are in possession of the purchased pieces of land. Due to the alienation in their favour, right is created to some extent. If the petitioner succeeds in the suit, then execution for seeking

possession will face some problem. I find that the findings recorded by the Trial Court that they are necessary and proper parties cannot be faulted with.

7. I have also gone through order passed below Exhibit - 183. The said application is rightly rejected, because no grounds are made out to invoke review jurisdiction.

8. It is clarified that the Trial Court shall take precaution to decide the suit expeditiously. It should be kept in mind that application Exhibit-169 has been preferred belatedly on 26.02.2024.

9. The writ petition is dismissed with a request to the Trial Court to decide the suit expeditiously. Unnecessary adjournments, especially at the instance of the respondent Nos. 1 to 3, shall be avoided.

[SHAILESH P. BRAHME, J.]