

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 218 OF 2026**

Sadu Daulu Bhandawale

...Petitioner

**VERSUS**

Ramchandra Mahadev Bhandavale And Ors.

...Respondents

Mr. Vaibhav Gaikwad, Advocate for Petitioner.

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 18<sup>th</sup> FEBRUARY, 2026**

**P.C.**

1. By this Petition filed under Article 227 of the Constitution of India, the Petitioner challenges the order dated 17.11.2025 passed by the learned Civil Judge Junior Division, Kagal, below Exhibit-100 in R.C.S. No.204/2017.

2. The Petitioner is Original Defendant No.1 in a suit filed by the Respondents/Original Plaintiffs under Section 38 of the Specific Relief Act, 1963 and under Section 6 of the Hindu Succession Act, 1956 for permanent injunction and partition. In the said suit, Petitioner filed an application at Exhibit-100 proposing an amendment mentioned in the said application contending that Defendant No.2 is carrying out construction in C.T.S. No.352, which is a subsequent event and that needs to be mentioned in the written statement of the Petitioner/Defendant No.1. The Petitioner proposed

amendment that, the Petitioner claimed that C.T.S. No.352 is owned and possessed by Defendant No.2 and he is carrying out construction in the said property from the grants received from the Grampanchayat under Gharkul Scheme and the Plaintiff has not objected to the said construction.

3. The trial Court has rejected the said application holding that the trial of suit is already concluded and this is not a proper stage to carry out the proposed amendment. The proposed amendment is not justifiable to decide the real controversy between the parties and therefore, the application being devoid of merit, is rejected.

4. Heard learned Advocate for the Petitioner. Perused the grounds raised in the Writ Petition Memo, annexures thereto and the impugned order.

5. Admittedly, evidence of both the parties is concluded and the suit is posted for final argument. Since the suit is filed for partition even if construction is carried out by one of the Defendants and the Plaintiff has not objected, the same would have no bearing on the issues raised in the suit. The trial Court has rightly held that the proposed amendment is not necessary to decide the real controversy between the parties and it would not help in allocation of shares by meets and bounds.

6. The trial Court has passed a well reasoned order. There is no illegality or perversity in the impugned order. No case is made out by the Petitioner to exercise extraordinary writ jurisdiction. Writ Petition is therefore dismissed.

**(NITIN B. SURYAWANSHI, J.)**