

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

WRIT PETITION NO. 273 OF 2026

**MR. CHANDRAKANT DINKAR PATIL
VERSUS
SMT. RAJASHRI DILIP PATIL AND OTHERS**

...
Mr. Rohan Patil, Advocate for Petitioner
Mr. Prashant Shinde, Advocate for Respondent Nos.1, 3 & 5
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd JANUARY, 2026

PER COURT :

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner challenges order dated 04/12/2025, passed by learned 5th Joint Civil Judge, Senior Division, Kolhapur, below Exhibit-103 in Special Civil Suit No.34/2019, thereby allowing the application filed by respondent No.1 / plaintiff seeking permission to lead secondary evidence to prove existence and contents of original partition deed No.619/1992.

2. Heard learned advocate for petitioner and learned advocate for respondent Nos.1, 3 & 5. Perused the documents placed on record.

3. It is not in dispute that the petitioner has admitted existence and execution of partition deed No.619/1992. The

certified copy of the same is produced at Exhibit-105. The same is a registered document. Since the original deed is not produced by either of the parties, the trial Court is justified in permitting respondent No.1 / plaintiff to lead secondary evidence to prove the existence and contents of original partition deed.

4. There is no illegality or perversity in the order passed by the Trial Court. This is not a fit case to exercise extraordinary writ jurisdiction under Article 227 of the Constitution of India. Writ petition being devoid of merit, is dismissed.

(NITIN B. SURYAWANSHI, J.)