

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

WRIT PETITION NO. 13151 OF 2025

PRAKASH LAXMAN AMBEDE AND OTHERS
VERSUS
LAKSHMIBAI BABU ALAIAS BALA AMBEDE (SINCE DECEASED)
THRU. LRS AND OTHERS

...
Advocate for Petitioners : Mr. Tanaji Mhatugade
Advocate for Respondents No.3, 2(a to d), 4, 5, 6 (a to e), 7, 8:
Ms. Vaishnavi R. Gaikwad h/f. Mr. Rushikesh G.Patil,
Mr. S. M. Raikar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 23-04-2026

PER COURT:-

1. The petitioners have raised an exception to the order dated 13.06.2025 below Exhibit-282 in Regular Civil Suit No.2 of 2011 rendered by the learned Civil Judge Junior Division, Khed, thereby rejecting the application seeking permission to file written statement.

2. The petitioners are the original defendants No.5 to 16 and the respondents No.1 to 8 are the original plaintiffs and respondents No.9 to 11 are the original defendants No.1 to 3. (Hereafter, the parties shall be referred to by their original status in the suit).

3. The plaintiffs had instituted the Regular Civil Suit No.2 of 2011 for partition claiming the suit property to be an ancestral property. Upon knowledge of the same, the defendants, particularly, the petitioners herein, filed a pursis on various occasions, stating their no objection for allowing the suit, while the other defendants had contested the suit.

4. In the interregnum, however, some defendants sought to withdraw the aforesaid pursis and filed the application below Exhibit-282, further seeking permission to file their written statement. However, the trial Court, after hearing both the parties, rejected the same by the order under challenge. Hence, the petitioners before this Court.

5. In the backdrop of the aforesaid facts, the learned counsel for the petitioners/defendants submits that the order under challenge is unsustainable in law. The trial Court erred while rejecting the application solely on the ground of delay. The defendants can choose to withdraw the pursis, as long as the plaintiffs have not obtained a preliminary decree. Hence, prayed to allow the writ petition.

6. Ms. Gaikwad, learned counsel appearing for the respondents have opposed the application and supported the order under challenge.

7. Having heard the submissions from the litigating sides and upon perusal of the record indicates that the original pursis was filed in the year 2011, while the application for retracting the same came to be filed after the lapse of more than fourteen years. Except simpliciter withdrawal of the pursis, no sufficient or cogent reasons are assigned in the application. Moreover, there is no assertion of misrepresentation or fraud while filing the pursis. Thus, in the absence of the same, the petitioners cannot be permitted to retract the same.

8. Having submitted a no objection pursis and participated in the suit for over a decade, the Petitioners are also prevented by the principle of estoppel. Permitting this change in stand at such a belated stage would constitute an abuse of the process of law, effectively allowing a party to litigate according to their whims.

9. Resultantly, the writ petition sans merit and the same is, accordingly, dismissed.

[SACHIN S. DESHMUKH]
JUDGE

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