

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

**WRIT PETITION NO. 235 OF 2026**

Dastagir Gaus Mulla Thr Poa

Asif Dastagiri Mulla

...Petitioner

Vs.

Mohammad Rafiq Gaus Mulla And Ors.

...Respondents

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Mr. Yogesh P. Morbale, for Petitioner.

None for Respondents.  
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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 3<sup>rd</sup> FEBRUARY, 2026.**

**P.C.**

1. Petitioner has challenged the order passed by the learned Civil Judge, Senior Division, Gadhinglaj, below Exhibit – 191 in Regular Civil Suit No. 190 of 2014.

2. The Petitioner-Plaintiff has filed the suit for partition and for a declaration that three sale deeds executed by the defendants are forged, fabricated, and without consideration, and therefore liable to be declared null and void and not binding upon the Plaintiff. During the course of evidence, one of the defendants produced sale deed bearing No.2344 of 2010. He was cross-examined by the plaintiff on that sale deed. Thereafter, the Plaintiff filed application seeking leave to amend and to add the said sale deed and prayer of the declaration

that the said sale deed is sham, bogus, and not binding upon the plaintiff. This application is rejected by the trial Court, and hence the present petition.

3. Heard learned counsel for the Petitioner. Perused the writ petition memo, the grounds raised therein, the annexures, and impugned order.

4. As per the case of the Plaintiff, he came to know about execution of the said sale deed pertaining to the year 2010 only on 30<sup>th</sup> August, 2022. However, no steps seeking amendments were taken by the Petitioner for nearly more than three years. The trial Court has rightly rejected the amendment application filed by the Petitioner, as the relief claimed by the Petitioner is time barred.

5. No error of law or jurisdictional error is committed by the trial Court. The trial Court has rightly exercised discretion in accordance with the settled legal position. No case is made out by the Petitioner to exercise the extraordinary writ jurisdiction.

6. The petition, is therefore, dismissed.

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