

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

WRIT PETITION NO. 506 OF 2026

RAJENDRA MADHUKAR CHORGE
VERSUS
KAMAL RAMESH PHADTARE AND OTHERS

...
Mr. Ajit Jaywant Kenjale, Advocate for Petitioner
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. By way of present petition, petitioner challenges the order dated 09/12/2025, passed by learned 5th Joint Civil Judge, Senior Division, Satara below Exhibit-173 in R.C.S. No.247/2012, thereby allowing prayer of defendant No.7 i.e. respondent No.8 herein to transpose him as a plaintiff in the suit.
2. Heard learned advocate for petitioner. Perused the documents placed on record including the application at Exhibit-173 and the impugned order.
3. Petitioner / defendant No.9 opposed the application at Exhibit-173 contending that the plaintiff and other defendants are intending to prolong the litigation. All the plaintiffs and defendants are standing at the same position as the suit is filed for partition, hence, the claim of defendant No.7 is not tenable.

4. Admittedly, the suit is filed for partition. In the application at Exhibit-173 it is contended that defendant No.7 is son of the plaintiff / respondent No.1. He has filed written statement accepting the claim of plaintiff and he has further claimed his share. Plaintiff is patient of high blood pressure and is suffering from repeated dizziness. She is undergoing treatment, therefore, she is not in a position to attend the Court. Since defendant No.7 has same prayer like that of plaintiff, he may be transposed as plaintiff.

5. Petitioner / defendant No.9 has failed to point out any prejudice caused to him by transposition of defendant No.7 as plaintiff. Learned advocate for petitioner strenuously argued that the evidence affidavit of plaintiff is already filed on record. Be that as it may. Trial Court has allowed the application by recording cogent reasons and has rightly exercised the discretion, which is not liable to be interfered with in exercise of extraordinary writ jurisdiction.

6. There is no merit in the writ petition. Writ petition is, therefore, dismissed.

(NITIN B. SURYAWANSHI, J.)