

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date:
2026.02.27
17:01:06 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 733 OF 2026

Sudhir Surgonda Patil
deceased through Lrs Sunita Sudhir Patil & Ors. ... Petitioners
Versus
Surgonda Balgonda Patil and Ors. ... Respondents

Mr. T.S. Ingale a/w Mr. Saurabh Patil for the Petitioners.
Mr. Gautam R. Kulkarni i/b. Satyajee A. Rajeshirke for Respondent
Nos.3 to 7.

CORAM : M.M. SATHAYE, J.

DATE : 27th FEBRUARY, 2026

P.C. :

1. The matter is urgently circulated because the regular Bench is not available. Notice of final disposal was issued on 24.02.2026.
2. Learned counsel for the Respondent Nos.3 to 7 has appeared *suo motu* and has circulated the matter for final disposal. He submits on instructions that Respondent Nos.3 to 7, who were the only contesting Defendants who had opposed the application in question (amendment application below Exh.138) have no objection, if the proposed amendment is allowed. Statement is accepted.
3. Perusal of the impugned order indicates that the application was opposed only by Respondent Nos.3 to 7. In that view of the matter, notice upon remaining Respondents is dispensed with.
4. In view of the no objection of Respondent Nos.3 to 7,

application filed by the Petitioners Exh.138, for amendment, is allowed. Petitioners are directed to carry out amendment in the plaint within a period of two weeks from today.

5. Respondent No.3 to 7 shall be at liberty to apply to the Trial Court for taking up the suit for final arguments as soon as possible.

6. It is not disputed that the suit is at the stage of final arguments. Considering that the suit is pending from 2012, the learned Trial Judge is directed to take up the suit for final argument as soon as possible.

7. It is clarified that the rival contentions of all the parties on merits are kept open and suit shall be decided on its own merit in accordance with law.

8. **Writ petition is disposed of in above terms.**

(M.M. SATHAYE, J.)