

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

WRIT PETITION NO. 992 OF 2026

Bapusaheb Maruti Magar

VERSUS

Pravin Dhananjay Pise Deceased
Through Legal Heirs 1a] Smt. Alka Pravin Pise And Ors.

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Mr. Satyajeet A. Rajeshirke a/w Mr. S. R. Vasekar, Advocate for
Petitioner.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 16th APRIL, 2026.

P. C. :

1. The petition raises challenge to the order dated 21.01.2026 rendered by the Joint Civil Judge Junior Division, Atpadi below Exhibit- 103 in Regular Civil Suit No.212 of 2014 rejecting the application presented by the Petitioner under Order XIV Rule 5 of the Civil Procedure Code, 1908 (CPC).

2. The Petitioner, the original Defendant No.1 in a suit for declaration and injunction instituted in the year 2014. In response to the service of summons, the Petitioner presented written statement.

Upon completion of pleadings, the Trial Court framed the issues on 10th January, 2018.

It is thereafter, on 18th September, 2025, the Petitioner presented an application under Order XIV Rule 5 of the Code of Civil Procedure, seeking framing of an additional issue. The Trial Court, after considering the said application in detail, rejected the same as the subject matter of challenge in the present Petition.

3. The learned counsel for the Petitioner submits that the issues sought to be raised were already pleaded, as such it was incumbent upon the Court to frame the necessary issues as contemplated under Order XIV Rule 1 of the Code of Civil Procedure; however, the same is not considered, and hence, the present Petition.

4. Upon hearing the learned counsel for the Petitioner and upon perusal of the material on record, including the sequence of events leading to the filing of the application, it appears that the attempt of the present Petition is to protract the proceedings of the year 2014. It is not in dispute that the Petitioner filed his written statement in the year 2015, and it is thereafter, the issues were framed and pertinent issues already framed covers the issue sought to be framed. As such, the request of applicant, at this stage, does not warrant consideration.

5. The tenor of the application is clearly aimed at protracting the proceedings, and as such, no error has been committed by the Trial Court in rejecting the said application.

6. Upon considering the relevant provisions and the factual matrix, in my considered view, no error has been committed by the Trial Court in rejecting the application. Resultantly, the Petitioner has failed to demonstrate any error of law in the order under challenge, and the Petition stands dismissed.

7. Considering the suit is of year 2014, the concerned Court is requested to make an endeavour to conclude the trial at earliest.

[SACHIN S. DESHMUKH, J.]