

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

WRIT PETITION NO. 1537 OF 2026

Ramchandra Shripati Parge And Ors ...Petitioners

Versus

Leelabai Sudam Kalbhor And Ors ...Respondents

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SUBHASH
KULKARNI

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Mr. Nachiket Khaladkar, for the Petitioners.

Mr. Vinayak Shelar, a/w Tejash Dande, i/b Bharat Gadhavi, for
Respondent No.1.

CORAM: N. J. JAMADAR, J.

DATED: 17th MARCH, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 2nd December, 2025 passed by the learned Civil Judge in Special Civil Suit No.1070/2016, whereby an application preferred by the plaintiff seeking leave to amend so as to delete the few of the suit properties and delete defendant Nos.18 and 19 from the array of the defendants, came to be allowed.
3. Respondent No.1 has instituted a suit for partition, declaration and permanent injunction. During the pendency of the said suit, defendant Nos.1 and 2 allegedly executed registered Sale Deed in favour of defendant Nos.18 and 19 in

respect of certain properties and a development agreement also came to be executed in respect of another property in favour of respondent Nos.18 and 19. Eventually, defendant Nos.18 and 19 resolved the dispute with the plaintiff, and consent terms were executed.

4. Pursuant thereto, the plaintiff sought leave to amend the plaint so as to delete the concerned properties from the suit properties and delete defendant Nos.18 and 19 from the array of the defendants.

5. The learned Counsel for the petitioner submitted that, pursuant to an order passed by this Court, certain other properties have been reserved for the plaintiff, to address the contingency of the suit for partition being decreed. Therefore, the deletion of the properties in respect of which development rights have been executed in favour of defendant Nos.18 and 19 would cause prejudice to the rights of the defendants – brothers of the plaintiff, as in suit for partition all the co-sharers stand in the shoes of the plaintiff.

6. Having regard to the nature of the amendment which appeared to be necessary in view of subsequent developments, it would be suffice to clarify that the plaintiff shall suffer the costs and consequences of the deletion of the properties and

defendant Nos.18 and 19 from the array of the defendants, and that the plaintiff shall not be entitled to claim any equities.

7. Subject to aforesaid clarification, the petition stands disposed.

[N. J. JAMADAR, J.]