

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2194 OF 2026

Prakash Pandurang Thakur and Ors ..Petitioners

Versus

M/s Ruby Mills Ltd and Ors ...Respondents

Adv Preeti Walimbe, with Mayank Tripathi and Rutika Bhoir, for the
Petitioners.

Adv S.G. Karandikar, for Respondent Nos. 1 and 2.

CORAM: N. J. JAMADAR, J.

DATE : 7th APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 12th December 2025 passed by the learned Civil Judge, Senior Division, Kalyan, whereby an application for recast of issues to the effect that the Plaintiffs are in settled possession of the suit land, instead of lawful possession, came to be rejected.
3. The issues were recast on 23rd September 2002. The parties have led evidence. The trial is complete. The Court is informed that the suit is posted on 8th April 2026, for pronouncement for judgment.
4. It appears that the Petitioners have pleaded the case that they have perfected their title to the suit property on the basis of adverse
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possession. In view thereof, the trial Court did recast the issues including an issue as to whether the Plaintiffs prove that they have perfected title by way of adverse possession over the suit land. Implicit, in the claim of adverse possession is the assertion that the Plaintiffs are in possession of the suit land for the requisite length of time.

5. The learned Civil Judge was, therefore, within his rights in rejecting the Application for recast of issues and that too at the fag end of the trial.

6. Thus, at this juncture, there is no propriety in entertaining the Petition.

7. Petition stands dismissed.

[N. J. JAMADAR, J.]