



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.2718 OF 2026

Chhotelal s/o Brijmohan Dubey, Civil Lines, Gondia

vs.

Ashok s/o Ramlal Dubey, Gondia and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R. M. Pande, Advocate for petitioner.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 6th April, 2026

Heard Shri R. M. Pande, learned counsel for the petitioner.

2. Contention is that the petitioner who is original plaintiff and is aged 79 years as on date, has filed RCS No.125/2019 against the present respondents for partition and separate possession. The aforesaid suit was filed in the year 2019 which is pending since last more than six years.

3. Shri Pande, learned counsel has invited our attention to the roznama of the suit which reveals that the petitioner has already examined himself and his supporting witnesses and has closed his evidence on 16/10/2025. However, since then the aforesaid suit has not proceeded for want of leading evidence on behalf of the respondents-original defendants.

4. For the reasons stated above, we dispose of the present writ petition with liberty to the petitioner to file appropriate application raising his grievance before the learned trial Court pointing out the pendency of the suit, conduct of the defendants and the advanced age of the petitioner.

5. Accordingly, the learned trial Court is directed to consider the application, if made by the petitioner on its own merits and in accordance with law considering the grievance of the petitioner made in the petition.

6. No costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)