

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.89 OF 2026
(Arising out of SLP(Civil)No.6248 of 2021)

PRATAP BHAGWANTRAO BAGRAO & ORS. ...Appellants

Vs.

SITABAI NARAYAN DESHMUKH (DEAD)
THROUGH HER LRS. & ORS. ...Respondents

O R D E R

1. Leave granted.
2. The only issue which requires consideration in the present appeal is regarding impleadment of the appellants as party in the suit filed by the respondent No.1 for partition of the property left by late Parshuram Deshmukh who died in the year 1945. He was survived by his widow (who died in the year 1976), one son and three daughters (one son Narayan had predeceased the father). To make it explicit, late Parshuram Deshmukh had two sons and three daughters. One of them died before him.
3. In the suit for partition filed by the respondent No.1, an application was filed by the appellants seeking impleadment. The application was rejected by the Trial Court and the order was upheld by the High Court.

4. The dismissal of the application is on the premise that earlier the legal heirs of one of the daughters had filed a suit for partition, which was dismissed in default. Subsequently, an application for impleadment was filed, which was dismissed as withdrawn. However, immediately thereafter, a fresh application was filed which is the subject matter of litigation in the present appeal.

5. The short argument raised by the learned senior counsel for the appellants is that the prayer is only for being impleaded as party in the suit for partition. The appellants are legal heirs of the daughters. The rights of the parties can be determined on merits by the Trial Court on the basis of evidence to be led by the parties.

6. Learned counsel for the respondents raised the objection in line with the reasoning assigned in the impugned order, namely, dismissal of an earlier suit in default and withdrawal of the earlier application filed for impleadment.

7. After hearing learned counsel for the parties and considering the fact that the partition of the property left by late Parshuram Deshmukh is in dispute who had two sons and three daughters, the prayer in the present appeal is merely impleadment of the legal heirs of the three daughters in a suit for partition filed by respondent No.1, namely, the legal heirs of one of the son.

8. Considering the aforesaid fact, in our opinion, the present appeal can be allowed by directing impleadment of the appellants in the suit for partition, as at this stage the rights of the parties are not being determined. The Trial Court on the basis of evidence to be led by the parties shall determine the same.

9. The appeal is accordingly allowed and the impugned order passed by the High Court is set aside.

10. The appellants undertake to file the written statement on or before 16th February, 2026. Thereafter, the Trial Court shall take up the matter as expeditiously as possible and make an endeavour to conclude the trial by 31st December, 2026, considering the fact that the suit for partition was filed in the year 1995.

.....J.
(RAJESH BINDAL)

.....J.
(VIJAY BISHNOI)

NEW DELHI;
January 07, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6248/2021

[Arising out of impugned final judgment and order dated 22-03-2021 in WP No. 1367/2020 passed by the High Court of Judicature at Bombay]

PRATAP BHAGWANTRAO BAGRAO & ORS.

Petitioner(s)

VERSUS

VAISHALI VISHWANATH BHALERAO & ORS.

Respondent(s)

(IA No. 54987/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 54991/2021 - EXEMPTION FROM FILING O.T.

IA No. 44680/2024 - EXEMPTION FROM FILING O.T.

IA No. 55924/2021 - EXEMPTION FROM FILING O.T.

IA No. 55922/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 258381/2023 - VACATING STAY

IA No.331078/2025 - FOR APPROPRIATE ORDERS/DIRECTIONS)

Date : 07-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL

HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :

Mr. Prasenjit Keswani, Sr. Adv.

Mr. Ravindra Keshavrao Adsure, AOR

Mr. Yash Prashant Sonavane, Adv.

Ms. Vishwabharati Vitthal Devkhile, Adv.

For Respondent(s) :

Mr. Gaurav Jha, Adv.

Ms. Shalini Jha, Adv.

Mr. F K Jha, Adv.

Mr. Tarun Verma, Adv.

Mr. Binay Kumar Das, AOR

Mr. Vinay Navare, Sr. Adv.

Mrs. Yugandhara Pawar Jha, AOR

Mr. Kunal Verma, Adv.

Ms. Yasha Goyal, Adv.

Ms. Swati Mishra, Adv.

Mr. Vinod Shinde, Adv.
Mr. Vinod Laxman Bade, Adv.
Mr. Mahesh Kumar, Adv.
Mr. Honey Sharma, Adv.
Mr. Aniruddha Purushotham, AOR

Mr. Ajit S Bhasme, Sr. Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Rohan K Santoshi, Adv.
Mr. Parth Sarathi, Adv.
Mr. Prashant Sharma, Adv.

Mr. Varad Kilor, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AKSHAY KUMAR BHORIA)
COURT MASTER

(Signed order is placed on the file.)