

**COMMON ORDER BELOW EXH.1 IN RCS NO. 217/2013 AND
RCS NO.687/2013**

Perused record. Both the suits are fixed for judgment today. The suit property involved in both the suit is same except one house property being included as suit property in RCS No.687/2013. RCS No.687/2013 involves the relief of partition and declaration challenging the will dated 16.2.2010 and it also includes the relief of perpetual injunction. Further, RCS No.217/2013 involves the relief of simplicitor perpetual injunction. However, after going through record of both the suits, it is seen that power of attorney deed and agreement to sale (सादेखत) have been entered in respect of parts of the areas of the suit property in favour of Akbar Mohammad Pathan, Uttam Narayan Bendre, Vijay Namdeo Baarhate as well as the copies of Index-II filed on record in RCS No.687/2013 also appears to mention the agreement to sale in respect of parts of the areas of suit property being entered in the name of Sanjay Gangadhar Thokal, Babasaheb Rambhau Bhor, Tulshiram Bapurao Kale, Gorakshnath Janardhan Pathare and Raju Gabaji Pawar. The aforesaid persons are not parties to the present suits. Further, it has come to the notice of the Court after going through the suits that one Akbar Pathan has filed a suit in the other Court at Parner against Sanjay Thokal for specific performance which is in respect of the same suit property involved in both the suits before the Court. Hence, considering the aforesaid position, today junior for learned advocate for plaintiff in RCS No.687/2013 and learned advocate for defendant in RCS No.217/2013 orally submitted before the Court that in respect of the aforesaid circumstances, learned advocate for defendant is going to argue. Hence, considering the question of the aforesaid persons who

are not added as parties to the suits and considering the question of the other suit filed by Akbar Pathan in respect of the suit property, both the parties shall argue.

Date : 01/04/2026

(Dr. N.S.Sabnis)
Jt.Civil Judge Junior Division,
Parner.