

ITEM NO.30

COURT NO.9

SECTION IX

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 for Special Leave to Appeal (C) No. 12876/2026

[Arising out of impugned final judgment and order dated 27-03-2026 in CRA No. 243/2025 passed by the High Court of Judicature at Bombay at Aurangabad]

UMAKANT NAGNATH KERALE &amp; ORS.

Petitioner(s)

VERSUS

SHASHIKANT NAGNATH KERALE &amp; ANR.

Respondent(s)

(IA No. 107227/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Basav Prabhu Patil, Sr. Adv.  
Mr. Shirish K. Deshpande, AOR  
Mrs. Rucha Pravin Mandlik, Adv.  
Mr. Jagdish Bajaj, Adv.  
Mr. Raghav Arora, Adv.  
Mr. Arjit Mittal, Adv.  
Mr. Arijeet Shukla, Adv.  
Mr. Sivanandh Lahiri, Adv.

For Respondent(s)

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

1. Heard learned counsel for the petitioners.
2. In a suit for partition, an application was moved by the defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908 and the same was rejected. However, in revision to the High Court, the application has been allowed and the plaint has been

rejected for the reason that the Trial Court has not considered the effect of the 1986 consent decree passed in a suit for injunction.

3. The argument is that the effect of the consent decree would be a triable issue and the plaint is not liable to be rejected on that ground.

4. Issue notice, returnable within six weeks.

**(SNEHA DAS)**  
**SENIOR PERSONAL ASSISTANT**

**(NIDHI MATHUR)**  
**COURT MASTER (NSH)**