

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8901 OF 2014

Sureshchandra M. Parmar & ors. : Petitioners.

Versus

Smt. Neela Alkesh Mehta & ors. : Respondents.

**Mr. Omkar Kulkarni i/by Ms. Reena Salunkhe for the Petitioner.
Mr. Pankaj S Shah for the Respondent Nos.1 and 2.**

CORAM : R. M. SAVANT, J.

DATE : 24th November 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 27/01/2014 passed by the Appellate Bench of the Small Causes Court by which order the application (Exhibit 31) filed by the Petitioners i.e. the original Appellants for appointment of the Registrar of the said Court to represent the estate of the deceased Respondent Nos.4 and 5 in the Appeal (i.e. the Respondent Nos.5 and 6 in the above Petition) came to be rejected.

2 Having regard to the reasons mentioned in the impugned order, no fault can be found with the same as obviously the Registrar of the Small Causes Court cannot represent the estate of the deceased Respondent Nos.4 and 5 (i.e. the Respondent Nos.5 and 6 in the above Petition). Hence no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. However, it would be open for the Petitioners

to file an appropriate application for seeking dispensation of the service being effected on the said Respondent Nos.4 and 5 in the Appeal on such grounds as are available to them. If any such application is made, needless to state that the Trial Court would consider the same on its own merits and in accordance with law.

[R.M.SAVANT, J]