

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1741 OF 2015**

Jeejabai Parshuram Katore

..Petitioner

Vs.

Damu Krishna Katore & Ors.

..Respondents

Mr. Ganesh Bhujbal for the Petitioner

CORAM : R. M. SAVANT, J.

DATE : 10th MARCH, 2015

P.C.

1 The above Writ Petition takes exception to the order dated 22-4-2013 passed by the Learned Civil Judge Junior Division, Khed, Pune, by which order, the applications Exhibit 38 and Exhibit 42 for bringing the heirs of the Defendant No.5 on record by condoning the delay of 4½ years in filing the applications, came to be rejected. The said rejection is on the ground that the said applications were filed 4½ years after the death of the Defendant No.5. The case put up by the Plaintiffs that the knowledge about the death of the Defendant No.5 was acquired by them just prior to the said application, was not accepted by the Trial Court.

2 It is required to be noted that in so far as the Defendant No.5 is concerned, an order was passed by the Trial Court on 30-8-2007 for the Suit to be proceeded exparte against the Defendant No.5. In the light of the said order, the question that begs an answer is whether the heirs of the Defendant

No.5 were at all required to be brought on record. Be that as it may, since the Trial Court has deem it appropriate to reject the said application, this Court does not deem it fit to exercise its Writ Jurisdiction. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]