

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12121 OF 2015**

Marutrao Kundalikrao Vare (Since deceased
through his legal heirs):

1a. Smt. Sindhubai Marutrao Vare & Ors.

...Petitioners
(orgn. plaintiffs)

V/s.

Smt Indirabaai Anandrao Vare & Ors.

...Respondents
(orgn. defendants)

.....
Ms. Savita A. Prabhune for the petitioners.

.....

**CORAM : R. G. KETKAR J.
DATE : 11th DECEMBER, 2015.**

P.C.:

1. Heard Ms. Savita A. Prabhune, learned counsel for the petitioners.

2. By this petition under Article 227 of the Constitution of India, the original plaintiff has challenged the judgment and order dated 3/8/2015 passed by the learned Joint Civil Judge, Senior Division, Baramati under Exh.123 in Special Civil Suit No.15/2013. By that order, the learned trial Judge rejected the application made by the plaintiffs under Order VI Rule 17 of the Code of Civil Procedure for impleading his wife Rajabai, his sons Sanjay and Sachin and daughter-in-laws Manisha and Rohini.

3. Perusal of the application at Exh.123 shows that the plaintiffs have not disclosed as to how these persons are necessary or

proper parties.

4. In view thereof, no case is made out to interfere with the impugned order. The writ petition is rejected. At this stage, Ms. Prabhune states that a fresh application giving all the necessary particulars for impleading these persons will be taken out. If such application is made, all contentions of the respondents in that regard are expressly kept open. The trial Court shall decide the application on its own merits uninfluenced by the observations made in the impugned order and in this order. Order accordingly.

(R. G. KETKAR, J.)