

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO.364 OF 2015**

**SHRIKRISHNA S/O BALIRAM BHAGAT ..VS.. ANILKUMAR S/O HARJIVANDAS  
POPAT**

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
of directions and Registrar's orders

Court's or Judge's order

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Shri D.K. Sonone, counsel for the Petitioner.  
Shri Akshay Naik, counsel for the respondent.

**CORAM : R. K. DESHPANDE, J.**

**DATE : APRIL 7, 2015**

Heard learned counsels appearing for both the parties.

The trial Court has rejected the application under Order I Rule 10(1) of the Civil Procedure Code for joining the legal heirs of one Saraswatibai as party to the suit filed by the original defendant. The trial Court has held that the legal heirs of Saraswatibai are not necessary parties to the proceeding. At any rate, it is the plaintiff who is claiming to be the owner of the property on the basis of Sale Deed dated 6.5.1994 which is said to have been executed by Saraswatibai. Saraswatibai became the owner of the suit property by virtue of Relinquishment Deed dated 10.10.1993. It is, therefore, for the plaintiff to establish his title over the suit

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property.

The defendant is, obviously, at liberty to contest such claim and the question of joining the legal heirs of Saraswatibai as party defendants, in the suit, does not at all arise.

In view of above, the writ petition is dismissed. No order as to costs.

**JUDGE**

**!! BRW !!**

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