

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD

WRIT PETITION NO. 10683 OF 2014  
WITH  
CIVIL APPLICATION [STAMP] No. 21331 OF 2016

Ashokrao Pandharinath Bhosale .. Petitioner

vs

Shardul s/o Ashokrao Bhosale and ors. .. Respondents

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Mr. Niteen V. Gaware, Advocate for petitioner

Mr. S. G. Chincholkar, Advocate for respondents no. 1, 3 and 4

CORAM : SUNIL P. DESHMUKH, J.

DATE : 13<sup>th</sup> July, 2016

ORDER :

1. Heard learned counsel for the parties.
2. Petitioner - original defendant no. 1 purported to have been aggrieved by order dated 05-09-2014 passed by learned Civil Judge, Senior Division, Shrirampur, whereunder application Exhibit 7 in regular civil suit no. 178 of 2014, seeking appointment of next friend of minor plaintiff for prosecution of suit has been allowed.
2. The application Exhibit-7 had been objected to on behalf of the petitioner-defendant no. 1 by making various submissions by learned advocate Mr. Gaware.
3. However, learned counsel for plaintiff Mrs. Chincholkar submits that there have been subsequent developments in the matter

whereunder next friend of the minor plaintiff has suffered an attack of paralysis and is not in a position to prosecute the matter. In the circumstances, it is prayed before this court by respondent no. 1 by way of civil application [stamp no. 21316 of 2016] to appoint one Swapnaja Ashokrao Bhosale who is mother of minor plaintiff and happens to be respondent no. 3 in this writ petition as next friend of the plaintiff to prosecute the suit.

4. Learned counsel for petitioner, on instructions, does not have any particular resistance to the request being made under civil application.

5. In the circumstances, in order to augment the prosecution of suit, necessary procedural aspects may be complied with before the trial court by plaintiff as early as possible. Having regard to that there is no particular objection on behalf petitioner-defendant no. 1 to appointment of respondent no. 3 to be next friend of plaintiff, procedural aspects may be processed as early as possible and suit be proceeded with expeditiously.

6. In the circumstances, impugned order has been rendered inefficacious and is disposed of as such.

7. With aforesaid, writ petition as well as civil application, stand disposed of.

SUNIL P. DESHMUKH,  
JUDGE

pnd