

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

WRIT PETITION NO.2850 OF 2015

Haresh Chetan Thadhani

..... Petitioner

Versus

Mrs. Natasha Prakash Tilokani & Ors.

..... Respondents

...

Mr. R. S. Tripathi a/w. Mr. Ashish Ghadge i/b. M/s. Tamhane & Co. for the petitioner.

Ms. R. C. Nichani a/w. Mr. D. S. Padwal for respondent nos.1a and 1b.

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***CORAM : N. M. Jamdar, J.
Tuesday 23 August, 2016***

P. C.

. The petitioner challenges order dated 3 February 2015 allowing Chamber Summons No.1326 of 2012 taken out by the respondents/applicants for joining themselves as legal representatives of the deceased plaintiff.

2. The learned counsel for the parties have sought to advance various submissions as regard who are entitled to be joined as legal representatives of the deceased plaintiff. However, it is not necessary to go into that issue at this stage in this writ petition as the learned Judge has not finally concluded as to who are the legal representatives and has kept that issue open to be decided after the parties will lead their evidence. Therefore, the present order will

have to be treated as a procedural order based only on prima facie view and all contentions of the parties as regards their entitlement to be joined as legal representatives of the deceased plaintiff will be considered on its own merits at the time of trial.

3. This being a position no prejudice is caused to the petitioner at this stage as the contention of the petitioner regarding the entitlement of the respondents / applicants is not foreclosed, with that clarification, the writ petition is disposed of.

(N. M. Jamdar, J.)