

Sequeira

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

WRIT PETITION (St.) NO. 22695 OF 2016

Suresh Waman Jadhav

.. Petitioner

Vs.

Mangal Waman Jadhav & ors.

.. Respondents

Mr.Vivek Salunke, for the Petitioner.

None for Respondents.

***CORAM : N.M.Jamdar, J.
Wednesday, 24 August 2016.***

P.C. :

Not on board. Taken on production board by way of praecipe.

2. The Petitioner challenges the order dated 22 June 2016 passed by the learned Civil Judge, Junior division, Saswad Pune directing the impleadment of the Respondent-Applicants as Defendants in the suit filed by the Petitioner. The Applicants have sought to join themselves as Defendants claiming that the Petitioner is not the only heir of deceased Waman Jadhav and they are the rightful heirs. The Petitioner is also claiming through the deceased Waman Jadhav and therefore, the learned Judge has found it necessary to join other claimants No.5 and 6 in the suit for complete

adjudication. The learned Judge has prima facie found substance in the case of the Applicants and has granted their application by keeping the issue as regards the claim of heirship to be considered at the time of trial. Therefore, by the impugned order the learned Judge has not concluded the issue as regards the heirship the claim of the Applicants-the added Defendants.

3. In view of this position, interference in the impugned order is not warranted. It is clarified that the observations made by the learned Judge while passing the impugned order and impleading the Applicants as Defendant No.5 and 6 are purely prima facie and the learned Judge, while deciding the issue as regards the claim of the parties as being heirs of deceased Waman Jadhav at the time of the trial will decide it on its own merits. Keeping all contentions open, in this regard the Writ Petition is disposed of.

(N.M.Jamdar, J.)