

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

WRIT PETITION NO. 11470 OF 2014

Smt.Shalan Sudhakar Kale & anr. ... Petitioners

v/s

Sau.Rekha Arun Kashid & ors. ... Respondents

Ms.Priyanka Joshi i/by Rahul Kate for the petitioners.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 23 September 2016

ORAL ORDER:

The Petitioners have challenged the order passed by the learned Civil Judge, Senior Division, Baramati, dated 27 August 2014, rejecting the application for an amendment. The Petitioners had sought an amendment for bringing on record the legal heirs of Defendant No.5 and his wife and that the name of Shubhangi Surendra Raut should be included as a guardian of Shailesh Satish Raut.

2 Heard learned counsel for the Petitioners.

3 It is not necessary to interfere with the impugned order because the learned Judge has not rejected the application for amendment on merits. The learned Judge has simply directed the Petitioners to produce sufficient proof, such as, death certificate, etc. before seeking to bring heirs of the deceased/Defendant on record. The learned Judge has also directed the Petitioner to follow the procedure laid down in Order 32 Rule 3 in respect of appointment of a guardian. The Petitioners can always comply with these directions and make a fresh application and if the application is so made pursuant to the directions, the learned Civil Judge will no doubt, consider the same on merits.

4 In the circumstances, since this liberty is available to the Petitioners, no further orders are necessary. The writ petition is disposed of.

(N. M. Jamdar, J.)