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

WRIT PETITION NO. 6783 OF 2013

Mahadeo s/o Dnyandeo Zambare,
age 50 years occupation agriculture
R/o Hingni Taluka Ashti District Beed. ...PETITIONER

VERSUS

1. Dnyandeo S/o Dhondiba Zambre (DIED)
Through: Next friend Pandurang Shrirang Zambre,
age 48 years occupation Agriculture
2. Mahadeo S/o Sahebrao Pokale,
age 40 years occupation agriculture
3. Angad S/o Mahadeo Zambre,
age 40 years occupation Agriculture
4. Parvatibai W/o Uttam Kardule,
age 45 years occupation household

All R/o Hingni Taluka Ashti District Beed. ...RESPONDENTS

Shri S.L. Bhapkar, Advocate for petitioner.
Shri S.S. Thombre, Advocate for respondents No.1 to 3
Shri N.V. Gaware, Advocate for respondent No.4

CORAM : R.D. Dhanuka, J.

DATE : 14th August, 2017

ORAL JUDGMENT

By this petition, the petitioner has impugned the order

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passed by the learned Trial Judge, thereby allowing application made by respondent No.4, who is daughter of original plaintiff, for impleading her as legal heir of the deceased plaintiff. The learned Trial Judge has allowed the said application (Exh.79) on 13th June 2013.

2. It is submitted by the learned Counsel for the petitioner that since interest of respondent No.4/original applicant is adverse to the interest of the original plaintiff, she would not have been allowed to be impleaded as party in place of plaintiff.

3. Learned Counsel for respondent No.4/original applicant submits that the petitioner herein has not disputed that respondent No.4 was daughter of the original plaintiff. He further submits that interest of the respondent No.4 is not adverse to the interest of the original plaintiff.

4. In view of the fact that there is no dispute that respondent No.4/original applicant was the daughter of the original plaintiff, she is entitled to be impleaded as party in place of original plaintiff. Submission of learned Counsel for respondent No.4 that there is no adverse interest of the applicant to the interest of the

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original plaintiff, is accepted.

5. In my view, the petitioner cannot be aggrieved by the order of impleadment passed by the learned Trial Judge. The petition is without any merit and accordingly is dismissed. No order as to costs.

(R.D. DHANUKA, J.)

pjm