

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

WRIT PETITION NO. 7573 OF 2018

Kamlakar Daulat Patil and others .. Petitioners

versus

Magala Ramesh Koli .. Respondent

Mr Vijay B. Patil, Advocate for petitioners

CORAM : SUNIL P. DESHMUKH, J.

DATE : 16th July, 2018

ORDER :

1. Heard learned counsel for petitioners.
2. Learned counsel contends, having regard to provisions particularly section 8 of Hindu Succession Act and schedule thereto, petitioners are successors as class II heirs. He submits, while heirship proceedings had been initiated at the instance of petitioners at the fag end when evidence was being led in the same, application for getting impleaded was mischievously moved by respondent. He submits that claims made and documents relied on, on behalf of respondent, have no relevance so far as succession / heirship is concerned and, as such, hurdles being created by respondent would not be proper and , therefore, addition of parties under application by respondent ought to have been rejected.

3. While allowing application, learned 6th joint civil judge, senior division, Jalgaon, had adverted to that having regard to the date of death of mother of deceased Bhimrao Vyankat Patil, a question about tenability of claims made by petitioners arises. In the circumstances, in order to have final and effective adjudication of matter, presence of respondent – third party is necessary in order to enable her to support her contention about aforesaid. In the circumstances, the court had considered that it would be appropriate to give opportunity to either side.

4. In view of the same, the reasons which went in passing of impugned order do not appear in any way capricious and arbitrary.

5. Writ petition, in the circumstances, is not being entertained and is rejected.

6. Observations hereinabove have efficacy only to the extent of rejection of writ petition and shall have no further influence, operation or effect.

SUNIL P. DESHMUKH,
JUDGE

pnd/-