

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1385 OF 2018
(Yashwant Ganeshrao Bhosale Vs. Kamal @ Jayshri Babasaheb
Deshmukh and others)

Mr.S.B.Solanke, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 06/02/2018

PER COURT :

1. The petitioner/original defendant No.2 is aggrieved by the order dated 10/11/2017, by which the Trial Court has rejected application Exh.60, by which the defendants have prayed that the plaint be rejected under Order 7 Rule 11 of the CPC as plaintiff No.1 being a daughter of defendant No.1, would not get any right in the light of the 2005 amendment to the Hindu Succession Act.

2. I have considered the submissions of the learned Advocate for the petitioner. The suit is pending adjudication for about 6 years. The application seeking rejection of the plaint has been rejected on 10/11/2017. Reliance is placed upon the judgment of the learned Division Bench of this Court in the matter of Ms.Vaishali Satish Ganorkar Vs. Satish Kesharao Ganorkar and others [AIR 2012 Bombay 101].

3. Considering the impugned order and the fact that the suit is ripe for adjudication and is pending for 6 years, I deem it proper to dispose of this petition and expedite the hearing in the suit.

4. As such, this petition is disposed of and the Trial Court is directed to decide RCS No.169/2012 as expeditiously as possible and preferably before the end of February 2019.

(RAVINDRA V. GHUGE, J.)