

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

WRIT PETITION NO. 12060 OF 2019

KAVITA RAJU GADKARI
VERSUS
MAROTRAO BALAJI SHINDE AND OTHERS

...
Advocate for the Petitioner : Shri V. R. Mundada
Advocate for Respondent Nos. 1 to 2(d) : Shri R. D. Biradar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 02nd DECEMBER, 2019

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PER COURT :

1. The petitioner / original defendant No. 2 is aggrieved by the order dated 26/09/2018 passed by the Appellate Court, by which, application Exhibit 22 filed by the petitioner in Regular Civil Appeal No. 308/2016, seeking deletion of respondent Nos. 1(a) to 1(d) as the L.Rs. of deceased respondent No. 1, has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner and the learned Advocate appearing on behalf of all the respondents.

3. It is informed that the Appellate Court has listed

the Appeal for final arguments on 30/12/2019. The Appeal is of 2016. The respondents at Serial Nos. 1(a) to 1(d) before the Appellate Court have been added on account of being the L.Rs. of deceased respondent No.1 Malanbai. The contention of the petitioner is that Malanbai had adopted one daughter, that is the petitioner, and respondent Nos. 1(a) to 1(d) are the biological sons and daughter of Marotrao (deceased). Thus, the petitioner is the adopted daughter of Malanbai, who is the second wife of Marotrao. The petitioner is actually the biological grand daughter of Marotrao.

4. In view of the above, this petition is disposed off as I do not find any reason to interfere with the impugned order, by which, Exhibit 22 has been rejected.

5. All contentions of the litigating sides in the pending Appeal are kept open to be considered by the Appellate Court.

(RAVINDRA V. GHUGE, J.)

shp/-