

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 65 OF 2019

VIVEK ANAND SINAI KERKAR AND ANR., ... Petitioners

Versus

SANJIV ANAND SINAI KERKAR., ... Respondent

Mr. Sudesh Usgaonkar and Ms. Marie Rosette Pereira,
Advocates for the petitioners.

Mr. R. G. Ramani and Mr. Pranav Shenvi Kakodkar, Advocate
for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 27th March 2019

P.C.

By this petition, the petitioners who are original defendant nos.1 and 2 are challenging the order dated 15.11.2018 passed by the learned Trial Court below application exhibit 14-D filed by the respondents-plaintiffs, to show the original defendant no.3 who is the mother/mother in law of the petitioners, as deceased.

2. According to the petitioners, the respondent is obliged to bring the other legal heirs of the deceased defendant no.3 on record which the Trial Court has refused to accept.

3. On hearing the learned Counsel for the parties, I find that the petition cannot be entertained at the instance of the petitioners inasmuch as the impugned order does not result into any

manifest injustice against the petitioners.

4. Shri Ramani, the learned Counsel for the respondent submits that it is the respondent-plaintiff who runs the risk if all the legal representatives of the deceased respondent no.3 are not brought on record and the petitioners are not affected or prejudiced by the impugned order.

5. In my considered view, the learned Counsel for the respondent is right that the petitioners are not prejudiced or affected by the impugned order whereby the Trial Court has permitted the respondent to show the defendant no.3 as deceased in the title clause.

6. For this reason, I decline to entertain the petition, which is accordingly dismissed. It will however be open to the petitioners to raise all such contentions, if any, available in law, on the basis of the respondent not joining the other legal representatives of the defendant no.3 to the suit.

In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.