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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3251 OF 2016

Mrs. Mustari Begum & Ors. ..Petitioners.

V/s.

Mrs.Tariqunnisa Ahrar Ahmed Shaikh & Ors...Respondents.

Mr.Rajesh Singh for the petitioners.

CORAM : NITIN W. SAMBRE, J.

DATE : OCTOBER 7, 2019

P.C. :-

The order impugned is dated February 20, 2016 whereby the Chamber Summons No.1675/2015 permitting the impleadment of the legal heirs of the same defendant No.1(a) is challenged in this petition.

2. The status of the present petitioner is that of the defendant. The suit is for partition. Even if the petitioner is shown to be the defendant, her status in the partition suit is that of a co-plaintiff.

3. As argued, if there is no cause of action for impleadment of legal heirs of defendant No.1(a) in a suit for partition, who are permitted by the impugned order, necessary consequences will follow when the Court is

adjudicating the rights of the parties, on merits.

4. That being so, the petition filed by the petitioner, in my opinion, does not warrant any interference. The petition is dismissed.

(NITIN W. SAMBRE, J.)