

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

WRIT PETITION 2636 OF 2016

Prakash Trimbakrao Deshmukh and others.
V/s
Parvatabai Himmatrao Deshmukh and others.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Amit Kukday, counsel for petitioners.
Shri G.M. Kubade, counsel for respondent 4.

CORAM: ROHIT B. DEO, J.
DATE: 23.09.2019.

The challenge is to an order permitting one Dattarao Deshmukh to be brought on record as the legal heir of deceased Defendant-3.

2. The plaintiff did not object to the bringing on record of Dadarao Deshmukh as the legal heir of defendant -3.

3. However, the defendant -1 file on record replies on two dates apparently objecting to bring on record Shri Dadatrao Deshmukh as legal heir of deceased Defendant-3.

4. Perusal of the replies show that there is no categorical assertion that Dattarao Deshmukh is not the brother and therefore not the legal heir of deceased/defendant-3.

5. It is difficult to fathom the locus of defendant -1 to object to bringing on record Datarao Deshmukh as legal heir of deceased/defendant 3 when the plaintiff has no objection. Be that as it may, it is trite law that even after a person is brought on record as legal heir, there is no finality attached to such status. If the defendant-1 apprehends that conferring such status shall prejudice defendant-1 in any manner, he is free to institute appropriate proceedings to disprove the status of Datarao Deshmukh as legal heir of deceased/defendant-3.

6. I do not see any reason to interfere in the writ jurisdiction.

7. The petition is dismissed.

8. The Trial Court is directed to decide the Special Civil Suit 14/2012 as expeditiously as possible and in any event within nine months.

JUDGE