

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

906 WRIT PETITION NO.8644 OF 2005

GITADEVI MADANLAL SARDA L.RS. LATA & OTHERS
VERSUS
DEVIPRASAD SHIVPRASAD PANDE L.RS. SHIVKUMAR
DEVIPRASAD PANDE & OTHERS

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Advocate for Petitioner : Mr. B.A.Darak.

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CORAM : V. K. JADHAV, J.
DATE : 11.03.2020

PER COURT :-

1. The learned counsel for the petitioner submits that deceased Gitadevi Sarada had moved an application to implead her as a party-defendant in Regular Civil Suit No.20/1991. The learned 5th Joint Civil Judge Junior Division, Beed rejected the said application. The learned counsel submits that the legal heirs of deceased Gitadevi had preferred this Writ Petition against the said order. The learned counsel submits that the respondent Deviprasad Shivprasad Pande, who is also no more and this Writ Petition has been preferred against the L.Rs. of respondent Deviprasad, who was the original-plaintiff has instituted the said Regular Civil Suit No.20/1991 for

possession of the suit land. The learned counsel submits that the deceased Madanlal (original defendant), who happened to be the husband of deceased Gitadevi also died during the pendency of this Writ Petition. The learned counsel submits that the legal heirs of deceased Gitadevi who have filed the present Writ Petition are necessary to be brought on record as legal heirs of the deceased Madanlal (original defendant) in the suit before the trial court and as such the purpose of filing of this Writ Petition has become over and due to the aforesaid contingencies, the writ petition has also become infructuous.

2. In view of the submissions above and on perusal of the copy of the plaint in Regular Civil Suit No.20 of 1991, so also the application filed by the deceased Gitadevi under Order 1, Rule 10 of the Civil Procedure Code for impleading her as a party defendant in the suit and the order passed thereon by the Trial Court and considering that the legal heirs of deceased Gitadevi, who are also the legal heirs of deceased Madanlal (original defendant) have preferred this Writ Petition, this Writ Petition has become infructuous and the same is hereby dismissed as infructuous. Rule discharged.

3. The Trial Court shall disposed off the suit, as expeditiously as possible, preferably within a period of one (1) year from the date of this order.

(V. K. JADHAV, J.)

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vmk/-