

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Bhalchandra
G. Dusane

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Bhalchandra G.
Dusane
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WRIT PETITION NO.12045 OF 2016

Shri. Hemant Madhukar Hirave Petitioner

Vs.

Shri. Maruti Baburao Pharande Respondents
& Ors.

Mr. Sunil Lahane i/by Mr. Dhananjay Kendre for Petitioner

Coram : NITIN W. SAMBRE, J.
Date : 28TH JANUARY, 2021

P.C.:

1. Heard Mr. Lahane holding for Mr. Dhananjay Kendre.
2. The challenge is to the order dated 6th January, 2015 whereby the prayer for impleadment of the names of legal heirs of defendant no. 6 to the suit came to be rejected.
3. The rejection is based on the say given by the Plaintiff to the suit as the plaintiff has claimed that the cause of action pleaded in the plaint was against defendant No.6 and by his death, the said cause

of action has come to an end. The said statement has prevailed before the Court below in rejecting the application for bringing Legal heirs of defendant No. 6 on record.

4. I see no illegality in the said order, which warrants consideration. As such, the petition stands dismissed,

5. However, in future, it is open for the Petitioner to claim that the decree of injunction, if any, passed in the suit under reference is not binding on him, as he is not impleaded as party to the suit.

(NITIN W. SAMBRE, J.)