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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10885 OF 2019**

Laxman Hira Shendge and Anr. Petitioners.
V/s
Sou. Shilavati Pandurang Kolekar Respondent.

Mr. Pranav H. Bhoite for the Petitioners.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 2, 2021

P.C.:-

1] Heard.

2] Exhibit-121 is an application taken out by the Petitioners/Defendant Nos. 3 and 4 to the suit for partition wherein specific plea was raised that suit is not maintainable for non-joinder of necessary party. The said plea was substantiated based on the evidence of Plaintiff's witness whose evidence is recorded at Exhibit-39. According to the Petitioners, the said issue needs to be framed by the Trial Court even if there are no pleadings narrated to that effect in the Written Statement. I am informed that the suit is at the stage of final hearing.

3] Keeping the option open to the Petitioners to canvass the said submission that the suit itself is not maintainable for not joining the necessary party, in my opinion, no interference at this stage is called for. Petition as such stands disposed of.

(NITIN W. SAMBRE, J.)