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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2998 OF 2020

Balasaheb Chimaji Bhadale Decd.
through LHRs

....Petitioners

V/s.

Sanjay Dattatray Pawar and Ors

....Respondents

Mr. Venkatesh A. Shastry for the Petitioners
Mr. S. V. Sadavarte for Respondent no. 12

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 23, 2021.

P.C.:

1] Impugned in the Petition is order passed below Exhibit 73 in Special Civil Suit No. 841 of 2015 passed by Civil Judge Senior Division, Pune on 19/11/2019.

2] The facts of the present case are similar to one of Writ Petition No. 10562 of 2019.

3] After having heard respective counsel for sometime, it is noticed that there is a dispute between the parties on the issue of succession i.e. to say who will be legal heir in accordance with provisions of Order XXII of Code of Civil Procedure, 1908.

4] As such, said dispute is required to be resolved in accordance with procedure laid down in Order XXII Rule 5 of the Code of Civil Procedure, 1908.

5] In that view of the matter, impugned order passed below Exhibit 71 and 73 are hereby quashed and set aside. Exhibit 71 and 73 be decided in accordance with provisions of Order XXII Rule 5 of the Code of Civil Procedure, 1908.

6] Petition stands disposed of in the above terms.

[NITIN W. SAMBRE, J.]