

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

WRIT PETITION NO. 7561/2018

Kalpana Vitthal Dhote and others ..Versus... Mandabai Dattatray Raut and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. P.S.Gawai, Advocate for petitioner
Mr. Dhiraj Ailani, Advocate for Respondent Nos.1 and 2

CORAM : AVINASH G. GHAROTE, J.

DATE : 03/12/2021

Heard Mr. Gawai, learned counsel for the petitioners/plaintiffs. The petition challenges the order dated 17.10.18 passed below Exh.25, whereby Respondent Nos. 1 to 3, have been added as party defendants to the suit.

Learned counsel for the petitioners submits that Respondent Nos. 1 to 3, who are the sisters of Respondent No.4 were neither proper nor necessary parties, considering that the suit claimed share in the property received by the Respondent No. 4. It is however not disputed that the property was ancestral and belonged to the grand-father of the Petitioner Nos. 2 and 3 and the father of Vitthal i.e. to Namdeorao, considering which Respondent Nos. 1 to 3, who are the daughters of Namdeorao, would be proper and necessary parties, unless it is shown that they were party to some family settlement or partition, in which they relinquished their share, which is not the position on record as of now, considering which I

do not find any infirmity in the impugned order. The petition therefore is without any merit and is accordingly dismissed.

JUDGE

rvjalit