

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

WRIT PETITION NO.893 OF 2019

Smt. Vidya S. Wairagade and another
Vs.
Shri Jyotendra Patel and others

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

Court's or Judge's orders

Mr. B. Mohata, Advocate for petitioners.
Mr. R. M. Sharma, Advocate for respondent No.1.

CORAM : AVINASH G. GHAROTE, J.
DATE : 13/12/2021

Heard Mr. Mohata, learned counsel for the petitioners and Mr. Sharma, learned counsel for the respondent No.1. None appears for the respondent Nos.2 to 4.

The petition challenges the order dated 27.09.2018 whereby the original defendant No.3, who was the partner of the partnership firm (defendant No.1) has been deleted, on account of his demise. Mr. Mohata, learned counsel for the petitioners concedes the position, that one of the legal heirs of the deceased defendant No.3 has already applied under Order XXX Rule 4 of the Code of Civil Procedure for being impleaded as legal heir of the defendant No.1, which application has been allowed by an order dated 23.01.2019, considering which, no infirmity can be found in the impugned order, as the estate of the defendant No.3 is adequately represented, considering which, I do not find any merit in the petition.

(2)

36.wp.893.2019

The petition is accordingly dismissed. No costs.

JUDGE

Sarkate