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

**CIVIL APPLICATION NO.65 OF 2022
IN
APPEAL FROM ORDER ST. NO.15173 OF 2017
(Not on board)**

Ashok Chakri Pauri ..Applicant
VS.
Nandu Tarachand Jain and ors. ..Respondents

Mr. Jayesh Bhatt for applicant.

Ms. Sneha Agrawal a/w Ms. Rakhi Sakhpal i/b. Mr. Lalit V.
Jain for respondent nos.5 and 6.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 16, 2022.

P.C. :

1. The applicant herein is the original plaintiff no.18. It is pointed out that respondent no.7, the original owner of the building has expired. It is stated that Mr. Anal Chandrakant, co-respondent herein is son of respondent no.7.

2. A reply is filed by the co-respondent that he has no knowledge about the facts with regard to suit no.3392 of 2008. It is stated that though he is the heir of the executor,

he cannot be made a party defendant or respondent in Appeal From Order as a legal heir. He is not recipient of any amount from his deceased father.

3. Without going into the merits of the matter, as the respondent no.7 was a party to the suit as original defendant no.7, the co-respondent is permitted to be impleaded as a party respondent in the Appeal From Order. Whatever the objection he has taken in response to the present Civil Application are kept open to be raised at the appropriate stage.

4. The present Civil Application is allowed to the limited extent to implead respondent no.7A being the legal heir of respondent no.7.

5. Civil Application is disposed of.

(M. S. KARNIK, J.)