

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2725 OF 2023

Sayad Mahemood S/o. Sayad Nizamoddin
Died Through his L.Rs.

Sayad Faruk S/o. Mahemood Inamdar
and another

.... Petitioners

Versus

Syed Rasul S/o. Sayad Mehtab
Died through his L.Rs.

Zakiyabee W/o. Rasul Sayad
and others

.... Respondents

.....
Mr. Ravibhushan P. Adgaonkar, Advocate for the Petitioners
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 10th MARCH, 2023

ORDER :

1. The petitioners are aggrieved by the order passed by learned Civil Judge, Senior Division, Latur below Exhibit-57 and 67 in M.A.(NRJE) No.45 of 2020.

2. By application Exhibit-57, legal heirs of Sayyad Nisar Mahemood (Inamdar), as third party applicants, have requested to add them into the proceedings as party respondents. Similarly, application Exhibit-67 is filed by third party applicants, who claimed the legal heirs of deceased Sayyad Nisar Mahemood (Inamdar). They claimed to be legal

heirs from first wife, namely; Sayyad Jarina Nisar Ahmad (Shaikh), of Sayyad Nisar Mahemood (Inamdar).

3. The trial Court after hearing both the sides, observed that the proceeding is filed for withdrawal of compensation amount. Sayyad Mahemood Nizamoddin (Inamdar) expired, therefore, his legal heirs i.e. original applicants contested the matter. Now, third party applicants are claiming to be legal heirs of deceased Sayyad Mahemood Nizamoddin (Inamdar). Since the original applicants have denied that the third party applicants are the legal heirs of deceased Sayyad Mahemood Nizamoddin (Inamdar), the trial Court granted them opportunity to lead evidence so that the matter can be decided on merits. The trial Court has held that for effective adjudication of the matter, the presence of the third party applicants is necessary, so that both the parties would get opportunity to establish their stand. The trial Court, therefore, allowed the applications Exhibit-57 and 67 for adding them as party respondents in the matter.

4. The learned advocate for the petitioner assails the impugned order stating that as per the documents placed on record, the third party applicants are not legal heirs of deceased Sayyad Mahemood Nizamoddin (Inamdar). He,

therefore, submits that the trial Court has committed an error in adding them as party respondents.

5. Considering the reasoning adopted by the trial Court, the trial Court has thought it fit to give opportunity to both the parties to lead evidence to show that they are legal heirs of deceased Sayyad Mahemood Nizamoddin (Inamdar), and according to the trial Court, their presence is necessary for effective decision of the suit. Considering these reasons, this Court does not find any illegality or perversity in the order impugned in the present petition.

6. The writ petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane