

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

66 WRIT PETITION NO.7920 OF 2022

MANIKRAO LAXMANRAO JAVNJAL AND OTHERS
VERSUS
RANJANA PRAKASHRAO GARUD AND OTHERS

...
Advocate for Petitioners : Mr. Pravin N. Kalani
Advocate for Respondent No.1 : Mr. S.K. Chavan
...

CORAM : SHARMILA U. DESHMUKH, J.
DATE : 17-01-2023

PER COURT :

. The petitioners application for being impleaded as party has been rejected by the trial Court by order dated 04.03.2022 on the ground that the application was cryptic, no particulars furnished regarding their relationship and genealogy has not been produced. During the pendency of this petition, this Court by order dated 28.07.2022 had permitted to petitioners to submit genealogy, which has been submitted now. The said genealogy was not before the trial Court and hence the trial Court while passing impugned order could not consider as to whether the petitioners, who claimed to be the daughters of Shakarrao – father of the defendant no.1, had any right to be impleaded as a party.

2. Both the parties are *ad idem* that the matter be remanded and the petitioners be permitted to submit a genealogy

along with an affidavit stating their relationship and right which they claim.

3. The trial Court shall consider the matter afresh after giving due opportunity of hearing to all the parties within a period of four weeks from today.

4. All the contentions of both the parties are kept open.

5. Writ petition is accordingly disposed of.

6. The respondents are at liberty to file their reply to the additional affidavit.

(SHARMILA U. DESHMUKH, J.)

GGP