

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8483 OF 2023

Gunabai Apparao Waghmare
Since Died Through Lrs
Milind Apparao Waghmare

Petitioner

Versus

The State Of Maharashtra Through
District Collector Latur And Others

Respondents

Mr. S.V. Natu, Advocate for the petitioner.
Mr. S.R. Yadav Lonikar, AGP for respondent-State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th JULY, 2023

ORDER :

1. Petitioner is aggrieved by the order passed by learned Joint Civil Judge Senior Division, Latur, below Exhibit-144 in Regular Civil Suit No. 117/2004, thereby impleading respondent Nos. 7 and 8 as party to the suit.

2. Petitioner has filed suit for specific performance as General Power of Attorney holder of his mother. After the death of mother, petitioner was brought on record as legal representative of deceased mother. Respondent Nos. 7 and 8, real sisters of the petitioner filed application seeking their impleadment in the suit. The application was allowed. Hence, the

present petition.

3. Heard the learned advocate for the petitioner and learned Assistant Government Pleader for State. Perused the memo of writ petition, its annexures and the impugned order.

4. Admittedly, respondent Nos. 7 and 8 are real sisters of the petitioner and hence they are legal representatives of original plaintiff/deceased mother. Therefore, being legal representatives they are entitled to be brought on record. However, by the impugned order they are brought on record as party defendants. Be that as it may, no ground is made out by the petitioner to interfere in the impugned order.

5. Apprehension of the petitioner that respondent Nos. 7 and 8 are claiming their share in the suit property in this suit is misconceived. Perusal of application filed by respondent Nos. 7 and 8 and the impugned order, does not indicate so in any manner. There is no illegality or perversity in the order impugned in the present petition. No case is made out by the petitioner to warrant interference in the extra ordinary writ jurisdiction. Writ petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]