

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8298 OF 2023

Syed Kasef Gulam Hussain

.... Petitioner

Versus

Abdul Majid Shaikh Mastan
and others

.... Respondents

.....
Mr. Mahesh K. Bhosale, Advocate for the Petitioner
Mr. Amol N. Patale, Advocate for Respondent No.10
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 27th JULY, 2023

ORDER :

1. The petitioner is challenging the order passed by the learned Joint Civil Judge, Senior Division, Nanded, below Exhibit-96 in Regular Civil Suit No.371 of 2014, thereby rejecting the application filed by the petitioner for addition of party as defendant filed under Order I Rule 10 of the Code of Civil Procedure.

2. Mother of the petitioner is plaintiff, who has claimed share in the property of her father. As per the Mohammedan law, during the lifetime of mother, son i.e. petitioner has no right to claim share in the property. The Trial Court has rightly rejected the application considering this legal position.

3. The petitioner contends that his brother has filed suit on behalf of mother as power of attorney holder that cannot be a ground to seek impleadment in the suit filed by the mother seeking share in the property of her father. There is no jurisdictional error or error of law committed by the Trial Court while passing the impugned order. No merit is found the petition. The writ petition is therefore dismissed.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane