

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13713 OF 2022

Smt. Sharada Jagannath Chavarkar
and Ors.

.. Petitioners

v/s.

Smt. Bhagirathi Laxman Chavarkar
and Ors.

.. Respondents

...

Mr. Rohit D. Joshi, for the Petitioners.

...

CORAM : SANDEEP V. MARNE, J.

DATED : JULY 28, 2023.

P.C. :

1. Heard learned Counsel for the Petitioners.
2. By this petition, Petitioners challenge order dated February 15, 2022 passed by the 4th Joint Civil Judge Senior Division, Alibaug allowing application filed by Respondent no.11 to bring her on record as legal representative of deceased Defendant no.10. By that order, Respondent no.11 is also permitted to be brought on record as legal representative of Defendant no.10 in the counter-claim.

3. So far as request of Respondent no.11 to bring her on record as legal representative of Defendant no.10 in the suit is concerned, Mr. Joshi does not have any serious objection except the one that can be raised by the Plaintiffs on merits during the final hearing of the suit. The main objection of Mr. Joshi is to the fact that the Respondent no.11 would now get herself substituted in the counter claim filed by deceased Defendant no.10. He would submit that since Respondent no.11 would be added as legal representative in the counter claim, she would now become Plaintiff in the counter claim in that sense. He would submit that the Plaintiffs in the suit have serious objection about the *locus* of Respondent no.11 to represent deceased Defendant no.10.

4. It would be open for the Plaintiffs to raise all objections about *locus* as well as rights of Respondent no.11 to represent on behalf of deceased Defendant no.10 at the time of final hearing of the suit. In view of these observations, I do not deem it necessary to interfere in the impugned order passed by the trial Court. With the above observations, the Writ Petition is **disposed of** without any orders as to costs.

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(SANDEEP V. MARNE, J.)