

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2877 OF 2022

(MOHAMMAD JAMIL ABDUL SALAM....VS.. SAU.PADMADEVI KISHORKUMAR GATTANI & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms L.J. Kshatri, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 25, 2023.

1. Heard.
2. The only ground raised in this petition to challenge the impugned order allowing the plaintiff to add Legal Representatives of the defendant under Order 1 Rule 10 of the Code of Civil Procedure (CPC), is that initially, similar request was rejected by the trial Court.
3. However, after going through the record, it is evident that earlier order was on the application under Order 22 Rule 4 of CPC and the same was rejected on the ground that on the date of filing of the suit, the defendant was not alive and therefore, application under Order 22 Rule 4 of CPC was not tenable. However, after considering the numerous authorities on this issue, the learned trial Court has held that similar request can be made under Order 1 Rule 10 of CPC in the given facts and circumstances of the case. Nothing has been pointed out how the said order is illegal or contrary to law.

4. In the circumstances, I do not find any merit in the present writ petition. The Writ Petition is **dismissed**.
No order as to costs.

JUDGE

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