



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

WRIT PETITION NO.7016 OF 2023

[Sumitrabai Bhagvan Tale .Vs. Atul Dayal Tale and Ors.]

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

Court's or Judge's

Mr V. V. Sharma, Advocate for Petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 7th DECEMBER, 2023.

. Heard Mr Sharma, learned counsel for the petitioner.

2. The petition questions the order dated 07.10.2022 by which the sisters of original plaintiff/respondent No.1 have been permitted to be impleaded as defendants in the suit. Mr Sharma, learned counsel for the petitioner, taking exception to the impugned order submits, that this was required to be done earlier in point of time. Apart from which, it is contended that this would amount to filling up lacunae, in view of the admission by the plaintiff in his cross-examination that Chandrabhan - the defendant No.3 was the cousin brother of defendant No.1 - Bhagwan.

3. In my opinion, nothing turns upon the aforesaid evidence as the Court is required to decide the suit for partition and separate possession, based upon the correct genealogical position as a person who would otherwise be entitled to a share in the property cannot

be deprived from the same merely on the basis of so called admission. The relationship between the plaintiff and the persons who have been sought to be added is not disputed. In which situation, whatever the right the plaintiff claims the sisters would also be entitled to the same right. I, therefore, do not see any ground made out to interfere in the petition. The petition is, therefore, **dismissed**. No costs.

JUDGE