



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO. 6624 OF 2024

NANDKISHOR BADAMRAO MHASKE
VERSUS
GANESH CHANDRAKANT MHASKE AND ANOTHER

...

Mr. Deshmukh Swapnil A, Advocate for the Petitioner

CORAM : Y. G. KHOBRAGADE, J.

DATE : 23rd September, 2024

ORDER:

1. Heard Shri Swapnil Deshmukh, the learned Advocate appearing for the Petitioner, at length.

2. By the present Petition, the Petitioner (Legal heir of original Defendant No.2) challenged the order dated 27.03.2023 passed below Exh 15 and Exh. 17 in Misc. Civil Application No. 75 of 2018, whereby the learned Civil Judge, Junior Division, Ambad permitted the Respondent No.1/Original Plaintiff to bring on record the legal heirs of deceased Defendant No. 2 Badamrao Nanasaheb Mhaske, who died on 27.01.2021, during pendency of the suit.

3. Legal heirs of deceased Defendant No.2 could not be brought on record within limitation under Article 120 of the Limitation Act and, therefore, the suit was automatically abated. Thereafter, the plaintiff filed application Exhibits 15 and 17 and prayed for permission to bring

the legal heirs of deceased defendant No.2 on record as well as for condonation of delay and setting aside the abatement. On 27.03.2023, the learned Trial Court passed the order below Exhibits 15 and 17 and condoned the delay caused while filing application for bringing legal heirs of Defendant No.2 on record and also set aside the abatement, which does not appear perverse or illegal. Therefore, I do not find any reason to interfere with the said orders.

4. In view of the above, the Writ Petition is dismissed.

(Y. G. KHOBRADE, J.)

JPChavan