



..1..

15-wp-13688-24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO. 13688 OF 2024

SANJAY SHRIRANG VISPUTE
VERSUS
GOVINDA GOPALA VISPUTE AND OTHERS

...

Advocate for the Petitioner : Mr. Milind K. Deshpande

...

CORAM : R.M. JOSHI, J.

DATE : 16.12.2024

PER COURT :

1. This petition takes exception to the order passed below Exhibit 165 in RCS No. 166/2015, whereby the application filed by the plaintiff to implead his sisters as a party to the partition suit came to be allowed.

2. There is no dispute about the fact that the Regular Civil Suit is filed for partition. The parties are ad-idem that the suit properties are ancestral properties. The law is settled to say that the amendment of Hindu Succession Act to Section 6 applies retrospectively. The Hon'ble Supreme Court in case of *Ganduri Koteshwaramma and another Vs. Chakiri Yanadi and another*, AIR 2012 SC 69, has specifically held that till the decree is executed, it would be open for the daughters to claim their share. In such circumstances, no fault can be found in the order

of permitting the plaintiff to join his sisters who are co-parceners as party to the suit.

3. Thus, there is no merits in the petition and hence it stands rejected.

(R.M. JOSHI, J.)

shp