

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4853 OF 2024

Anand Arun Joshi

... Petitioner

V/s.

Vilas Keshav Joshi & Ors.

... Respondents

Mr. Saurabh M. Raikar, for Petitioner.

Mr. Mandar Limaye, for Respondent No.1.

Mr. Uday P. Warunjikar i/by Mr. Siddhesh Pilankar &
Mr. Sumit Kate, for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : JUNE 18, 2024

P.C.:

1. By the impugned order, the Trial Court has allowed an application of respondents to implead them as legal representatives of deceased – defendant No.2. While holding summary enquiry under Order 22, Rule 5 of the Code of Civil Procedure, 1908, the Trial Court records prima facie finding based on registered Will that the respondents are legal representatives.

2. It is needless to state that the respondents are presently impleaded as legal representatives of deceased – defendant No.2, will have to establish their rights during trial. However, for the purpose of impleadment as under legal representatives, an enquiry conducted by the Trial Court is sufficient. Hence, no interference under Article 227 of the Constitution of India is called for.

3. The writ petition stands disposed of.

(AMIT BORKAR, J.)