

Ajay

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

WRIT PETITION NO. 10155 OF 2024

Rahesh Bachan Singh and Ors.

.. Petitioners

Versus

~~Parmanand Purshottam Thakur~~ (Deceased)

Shyama Parmanand Tahkur and Ors.

.. Respondents

-
- Mr. P.G. Thorat, Advocate i/by R.T. Kharwar for the Petitioners.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 19, 2024.

P.C.:

- 1.** Heard Mr. Thorat, learned Advocate for Petitioners.
- 2.** In so far as the issue of impleadment of the Petitioners to the Suit proceedings with respect to the Suit property are concerned, on 12.08.2024 this Court heard the learned Advocate for Petitioner and opined that the nexus between the Petitioners and deceased will have to be shown by the Petitioners.
- 3.** Mr. Thorat appears for the Petitioners. He would submit that in so far as the Will is concerned to which reference is made in paragraph Nos.4 and 5 of the previous order, it does not name an executor but there are five beneficiaries named therein as being entitled to the estate of the deceased to the extent of 1/5th share each. One out of the five is the wife of deceased and the remaining four are

the Petitioners before the Court. Their impleadment is rejected by the Trial Court. He would submit that one of the beneficiary is the wife who is already impleaded in the Suit proceedings whereas the four other beneficiaries have not been impleaded. He would submit that one of the four beneficiaries is Manoj Nandlal Singh whose name appears in the Application made for Letter of Administration and this Court has taken cognisance of his name in the previous order. He has drawn my attention to the names of the five beneficiaries in clause No.5 of the Will at page No.40 of the Writ Petition. Therefore he would submit that the Petitioners ought to have been impleaded since Letter of Administration alongwith Will annexed has been granted by the Court.

4. In that view of the matter, Petitioners who have filed the present Writ Petition to challenge the impugned order dated 27.06.2024 passed by the learned District Court seeking impleadment deserves to be quashed and set aside as they have established their nexus with the deceased. Since no executor is appointed, the beneficiaries to the estate of deceased have obtained Letters of Administration with Will annexed. Hence impleading only one legal heir i.e. the wife in the above facts is impermissible. All beneficiaries will have to be impleaded.

5. In view of the above observations, the impugned order dated 27.06.2024 is set aside. Resultantly, allowing impleadment of the Petitioners whose names are given in the Letters of Administration with Will annexed in respect of they being the beneficiaries to the estate of the deceased to the extent of 1/5th share each the alongwith the wife of deceased.

6. With the above directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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