



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 5466 OF 2024

Ashok Gangadhar Babar

VERSUS

Vishnukant Gangadhar Babar And Another

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- Mr. S. B. Choudhari, Advocate for the Petitioner
- Ms. Sharayu Dhanture h/f Mr. R. V. Gore, Advocate for Respondent No. 2

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CORAM : R. M. JOSHI, J

DATE : SEPTEMBER 15, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.
2. This Petition raises objection to the order passed by the Trial Court directing joining of a coparcener of the joint family property to be a Defendant.
3. Heard learned Counsels for both sides.
4. Admittedly, suit properties are joint family ancestral properties of Plaintiff and Defendant. Further, admittedly, the 3<sup>rd</sup> party Applicant i.e., contesting Respondent herein is coparcener of the joint

family. She filed application for joining herself to be a party Defendant. This Application came to be allowed.

5. There cannot be any other appropriate person than a coparcener of a joint family in case of suit for a partition of ancestral property. Hence, there is no merit in the Petition. In fact present Petition is abuse of process of law. In the result, Petition stands dismissed. Considering the nature of issue of partition, this Court refrain itself from imposing any costs.

(R. M. JOSHI, J.)