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902wp10567.23

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10567 OF 2023

NAMDEO SHIVRAM VIRKAR AND OTHERS

.....Petitioners

VERSUS

HARISHKUMAR NAMDEO BHUDHE DIED AND OTHERS

.....Respondents

Mr. Smita S. Kulkarni, Advocate for the petitioners

Mr. Krishna P. Rodge, Advocate h/f Mr. Kailas B. Shinde,
Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 10th JANUARY, 2025

P. C.

1. This petition is by the original claimants whose application below Exh.96 is rejected by the CJJD, Kopergaon by order dated 21-09-2022 in RCS No. 99/2015. The defendant filed an application for correcting the name of defendant No.2. Her name given in the suit is as Sunita Harishkumar Budhe which is now changed to Sunita Rajendra Katore after her marriage and also to show heir of defendant No.1.

2. The learned trial Judge however, rejected the application stating that there is nothing on record to show service of the suit summons on defendant No.2 and directed the plaintiff to take steps.

3. This court finds that technical approach is adopted by the court and for the reasons stated in the application, the application below Exh.96 in RCS No. 99/2015 pending before the learned CJSD, Kopergaon needs to be allowed. The writ petition stands allowed and disposed off. No order as to costs.

4. Since the suit is of 2015 it is expected to decide the same as early as possible & in any case within one year.

[KISHORE C. SANT, J.]