



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

4 WRIT PETITION NO. 7158 OF 2025

SANJAY BABASAHEB TAMBE

VERSUS

VIMALBAI NAMDEO KADLAK DIED AND OTHERS

....

Mr. Yogesh C. Patil h/f Mr. Shrikant G. Kawade, Advocate for the
Petitioner

....

CORAM : ARUN R. PEDNEKER, J.

DATE : 06.10.2025

PER COURT :-

1. The petitioner challenges the order dated 13.12.2023 passed below Exh.78 and Exh.83.

2. The facts of the case are that the plaintiff filed a suit for declaration of sale deed dated 21.04.2005 being not binding upon the plaintiff. During the pendency of the suit, the plaintiff expired. Thereafter, two persons i.e. the applicant, so also one Manjushri Kamlesh Redasani (Jain), filed independent applications to be substituted as a plaintiff in the place of the deceased plaintiff. As far as the present petitioner is concerned,

he has an Will-deed in his favour dated 09.04.2014. As regards the other applicant (Ms Jain), she has a registered Will-deed dated 14.10.2015 in her favour, which is a subsequent Will-deed and the same is also registered deed. On the basis of the registered Will-deed dated 14.10.2015, Ms Jain is permitted to be substituted as a plaintiff. The rights inter se between the present petitioner and the applicant, can be independently adjudicated. The applicant Ms Jain is rightly substituted as a plaintiff and I see no error in the order impugned.

3. The Writ Petition is accordingly dismissed .

[ARUN R. PEDNEKER, J.]

SMS