



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10405 OF 2024

Radhabai Eknath Jondhale

VERSUS

Sunil Eknath Jondhale Died Through Lrs Panchshila Sunil
Jondhale And Others

- Mr. A. D. Gawale, Advocate for the Petitioner
- Mr. D. K. Dagadkhair, Advocate for the Respondent Nos.
1 to 3

CORAM : R. M. JOSHI, J

DATE : MARCH 17, 2025

PER COURT :

1. Learned Counsel for Respondents files affidavit-in-reply. The same is taken on record.

2. This Petition takes exception to the order passed below Exh. 30 dated 19.10.2023 in Civil M.A. No. 894/2021 whereby the application filed by the Petitioner to join herself as party Respondent to the said proceeding came to be rejected.

3. It is the case of the Petitioner that she is wife of deceased Eknath Satvaji Jondhale. Respondent Nos. 1 to 3 filed application bearing No. 894/2021 to

declare themselves as legal heirs of deceased in the said proceedings filed under the provisions of Bombay Regulation Act 8 of 1827. Since the application Exh. 30 filed by the Petitioner to add herself as party Respondent came to be rejected, this Petition is filed.

4. Learned Counsel for the Petitioner submits that there is *prima facie* documentary evidence on record to indicate that the Petitioner is wife of the deceased Eknath. It is his further submission that only for the reason that there was a mistake committed in the application by recording the Petitioner as daughter-in-law of Eknath at one place and wife on another place, application came to be rejected.

5. Learned Counsel for Respondents opposed the Petition by contending that previously application came to be filed by the Petitioner herein without joining the Respondents as party. It is his submission that the documents sought to be placed on record are fabricated documents.

6. When the Petitioner has come out with a

specific case that she is wife of the deceased Eknath Satvaji Jondhale, and there is *prima facie* evidence on record to support the said contention, the only option left for the Court below was to allow her to joint as party. All the contentions of the Respondents with regard to the genuineness of the document and the locus standi of the Petitioner could have been considered by the Trial Court at appropriate stage of the proceeding. Suffice it to say that it was not open for the Court to reject the application filed on the ground that there was a mistake committed in the pleadings of the said application.

7. In view of above, impugned order cannot sustain and same is hereby set aside. Application Exh. 30 stands allowed. Petitioner be made party Respondent to Civil Misc. Application No. 894/2021.

8. All the contentions of the rival parties are kept open for decision of the Trial Court.

9. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)