



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

37 WRIT PETITION NO. 11180 OF 2025

GANESH CHANDRAKANT GHOLVE

VERSUS

MANOJ RAOSAHEB DARADE AND OTHERS

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Advocate for the Petitioner : Mr. Sanjay A. Wakure

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CORAM : ARUN R. PEDNEKER, J.

DATE : 15.09.2025

PER COURT:

1. Heard.

2. The suit for partition and separate possession was filed by the plaintiff - Kondabai in respect of the agricultural land Gut No.184. Due to old age, she died and the present petitioner and respondent no.9 are brought on record i.e. the present petitioner is arrayed as plaintiff No.1-B and respondent no.9 is arrayed as plaintiff No.1-A on record in the suit. Thereafter, the respondents no.5 to 8 / original applicants filed applications for bringing themselves on record in the suit. The trial court by the impugned orders dated 06.01.2025 allowed the applications to bring respondents no.5 to 8 / original applicants on record of the suit.

3. The learned counsel submits that the present petitioner has a will deed in his favour by the deceased plaintiff - Kondabai and, as such, the petitioner alone is the legal heir of the property

and that respondents no.5 to 8 / original applicants ought to have filed applications under Order 1 Rule 10 of the CPC.

4. Undisputedly, the Will in the present matter is neither probated nor proved before any court of law. The petitioner will have to establish the will deed once the same is disputed by the legal heirs of the deceased (**Jitendra Singh Vs. State of M.P., 2021 SCC Online SC 802**).

5. Respondents no.5 to 8 / original applicants are the natural legal heirs of the deceased and, as such, they have been taken on record as the legal heirs of the deceased. The petitioner would have exclusive rights over the properties mentioned in the will once he establishes the will in the court. As of now, legal right of respondents no.5 to 8 / original applicants to contest the proceedings as the legal heirs of the deceased cannot be faulted with and the trial court has rightly allowed the application. I see no reason to interfere in the impugned order.

6. The Writ Petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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