



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 6982 OF 2024

HUSAINKHA HABIBKHA AND ANOTHER

VERSUS

DAUDKHA DILDARKHA DIED THROUGH LRS AABEDABI
DAUDKHA AND OTHERS

...

Advocate for the Petitioner : Mr. Goyanka Mukesh Kamalkishor
along with Mr. Manoj Shinde

...

CORAM : R.M. JOSHI, J.

DATE : 04th FEBRUARY, 2025

PER COURT :

1. Petitioner/original plaintiff no. 4 takes exception to the impugned order dated 04.10.2022 passed below exhibit 149 and 150, whereby the application filed by plaintiff and defendant nos. 4 and 5 respectively, came to be dismissed.
2. The facts as appeared from the record indicates that inadvertently defendant no. 4 was shown as deceased and his LRS were brought on record. Subsequently, it was found that this has been done by mistake. Applicant had filed application exhibit 151 to that effect on record. The trial Court has considered the same as inadvertent mistake and not deliberate / intentional act on the part of plaintiff. In view of these facts, the trial Court has rejected the application.
3. In facts of the case, no error is found to have been committed by learned trial Court, while passing impugned order. There is no reason for this Court in order to cause interference in the impugned order. Hence, petition is dismissed.

(R.M. JOSHI, J.)