

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

1023 WRIT PETITION NO. 228 OF 2023

M/S GOYAL TRADING COMPANY THROUGH ITS PARTNER  
RAMESHCHANDRA PRAHLADRAI AGARWAL

VERSUS

MALLIKARJUN GANGADHARAPPA ANKALKOTE DECEASED THROUGH LRS  
SAMBAPPA MALIKARJUN ANKALKOTE AND ANOTHER

...

Advocate for the Petitioner : Ms. Dube Anjali (Bajpai)

Advocate for Respondent Nos. 1(a), 1(b) And 2 : Mr. Kulkarni Ashutosh S.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 09.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioner assails the order dated 18.07.2022 passed below Exhibit-20 by the learned District Judge, Latur, in Regular Civil Appeal No. 190 of 2016 thereby directing the plaintiff to bring on record the four children i.e. sons and daughters of the deceased respondent No. 1.
3. This Court vide its order dated 07.01.2023 has passed the following order :

**ORDER DATED 07.01.2023**

- "1. Heard learned counsel for the Petitioner.
2. The Petitioner's application seeking details of legal heirs of deceased-defendant No.1 was opposed by the Respondent No.2, son of defendant and one of legal heirs on the ground that there is no provision of law, whereby he is required to submit the details of all the legal heirs of deceased-defendant, which came to be upheld by the Trial Court. Subsequent thereto, the Petitioner herein moved an application below Exh.20 seeking to implead only sons of

*deceased-defendant, on the ground that they fall within the definition of "legal representative" under Section 2 sub-Section (11) of the Code of Civil Procedure, 1908, and as such, it is not necessary to implead the four daughters of deceased-defendant, which was partly allowed. However, the Petitioner was directed to bring on record the legal representatives of deceased Respondent No.1 including two sons and four daughters.*

*3. Heard the learned counsel appearing for the Petitioner. The Petitioner is a partnership firm and tenant of the premises in which the defendant no.1 was the original landlord, who died during the pendency of the proceedings. The Petitioner cannot be expected to know the details of legal heirs and representatives of the deceased and it was expected of the trial Court to exercise its power under Section 151 of the Code and direct the Respondent No.2 to furnish the details of all the legal heirs and representatives.*

*4. Issue notice to the Respondents, returnable after four weeks. In addition to the Court notice, the Petitioner to serve the Respondents by private notice and file affidavit of service before the next date.*

*5. Ad-interim relief in terms of prayer clause (D) of the petition, till the next date."*

4. In accordance with the finding recorded by this Court in paragraph No. 3 of the order dated 07.01.2023, I am inclined to allow the present petition.

5. In view thereof, the order dated 18.07.2022 passed below Exhibit-20 by the learned District Judge, Latur, in Regular Civil Appeal No. 190 of 2016 is quashed and set aside.

6. The learned Appellate Court to decide the application Exhibit-20 in accordance with the observations made by this Court in paragraph No. 3 of the order dated 07.01.2023.

**(SIDDHESHWAR S. THOMBRE, J.)**

mahajansb/