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25& 43-WP-2797-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO. 2797 OF 2025

Sheetal Yuvraj Patil And Others
VERSUS
Jaishree Chandrakant Patil And Others
AND
43 WRIT PETITION NO. 2830 OF 2025

Sheetal Yuvraj Patil And Others
VERSUS
Jaishree Chandrakant Patil And Others

...

Mr. Ameet Raveendra Vaidya, Advocate for the Petitioners.

CORAM : KISHORE C. SANT, J.

DATE : 3rd MARCH 2025

PC :-

1. Heard the learned Advocate for the petitioners.
2. The original plaintiff has filed this writ petition challenging the order passed by the learned 5th Joint Civil Judge Senior Division, Latur on application below Exhibit-59 praying for addition of parties.
3. It is the case of the petitioners that, she filed a suit for partition after demise of her husband. The respondent appeared and contested

the suit. In writ petition it is stated that, even the paternal aunts of the deceased-husband of the petitioner, have a share in the joint family properties. The petitioner though does not accept this position. However, by way of abundant precaution, filed an application to add those aunts as parties to the proceeding. The said application came to be allowed by the respondents. The learned trial Judge held that those aunts are only proforma parties and are not necessary parties and rejected the application.

4. The learned Advocate Mr.Vaidya appearing for the petitioners submits that in paragraph No.3 of the written statement, it is clearly seen that, it is the case of the defendants that even the parties which are sought to be added are interested parties in the suit. Though, the petitioner does not accept the said case, however, in view of such averments in the written statement, the parties are necessary parties and therefore, the application is filed. He submits that order passed by the learned trial Judge is, thus, not proper and correct.

5. Having considered the submissions, this Court finds that suit is filed for partition. The parties, who are sought to be joined as a parties,

are related to the deceased-husband. The defendants have also stated that those persons are also having interest in the property. *Prima facie* this Court finds that their presence would be necessary considering that the suit is for partition. Hence, the following order.

ORDER

- (i) Issue notice to Respondents, returnable on 7th April 2025.

[KISHORE C. SANT, J.]