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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9871 OF 2025**

Manohar Dhondiba Chinchkar ... Petitioner

Vs.

Kamal Shivdas Shivchand and Others ... Respondents

Shri Avinash B. Patil for the Petitioner.

Mr. Vikrant Khore for Respondent No.5.

CORAM : GAURI GODSE, J.

DATE : 25th JULY 2025

ORDER :

1. This petition is filed by a third party to be added as party defendant in the suit for partition and separate possession. Learned counsel for the petitioner submits that the petitioner is husband of the deceased-Suman. He submits that though the son of Suman is added as party defendant no. 5 in the suit, Suman's husband is not added. He submits that in view of Section 15(1) of the Hindu Succession Act, 1956 the husband also would be a necessary party being a Class I heir. He therefore submits that the petitioner needs to be added as party defendant in the suit.

2. There is no dispute that the suit for partition and separate possession is in respect of the property through the father of Suman. Thus, in view of sub-section (2) of Section 15 the husband of deceased Suman would not be concerned with the suit property. Hence, the application to add him as a party is rightly rejected by the trial court by referring to the provisions of Section 15 of the Hindu Succession Act, 1956.

3. I do not find any illegality or perversity in the reasons recorded in the impugned order.

4. For the reasons recorded above, the petition is devoid of merits. Hence, the writ petition is dismissed.

[GAURI GODSE, J.]