

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13074 OF 2017

Karmaveer Vitthal Ramji
Shinde Shikshan Sanstha
Gadhinglaj Through Its PresidentPetitioner

Vs.

Shivaji Dinkarrao Jadhav & Ors.Respondents

Mr. Manoj Patil with Mr. Shubham Dhenge, for Petitioner.

Mr. Drupad S. Patil (through vc) with Mr. Ragwed. R. Kinkar, for
Respondent No.29(c).

Mr. Sanjay D. Rayrikar, AGP for Respondent-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 7th October 2025

PC.:-

1. The present Writ Petition takes exception to order dated 14th December 2016 passed by learned Civil Judge, Senior Division, Gudhinglaj below exhibit-1 in Regular Civil Suit No.66 of 2016, by which learned Civil Judge, Senior Division, dismissed suit against Defendant Nos.7, 8, 10, 12, 16, 17, 24, 28, 29, 31 & 32.

2. Perusal of impugned order shows that suit was instituted against Defendants who were already dead. Trial Court relied upon the observation of Mysore High Court in case of *C. Muttu V. Bharath*

*Match Works, Sivakasi*¹ and Delhi High Court in case of *Pratap Chand Mehta V. Smt. Krishna Devi Mehta* (deceased L.Rs.)² and order of dismissal of suit against Defendants, observing that suit was instituted against deceased persons. No fault can be found in aforesaid observations and the order. Hence, Writ Petition stands **disposed of.**

3. At this stage, Mr. Manoj Patil, learned counsel appearing for Petitioner, submits that Petitioner has already filed an Application under Order 1 Rule 10 of Civil Procedure Code for addition of parties, i.e., the person who are legal heirs of deceased-Defendants. If such an Application is filed, Trial Court shall decide the same on its own merits, if case is made out that they are necessary parties. In that eventuality, impugned order dated 14th December 2016 passed below Exhibit-1 shall not be an impediment.

(S. G. CHAPALGAONKAR, J.)

1 AIR 1984 Mysore 293

2 AIR 1988 Delhi 267