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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2725 OF 2024**

Sopanrao Dinkarrao Jagtap ... Petitioner

Decd through LRs Sahebrao

Raja Ram Jadhav

Vs.

Sarjerao Shivajirao Jedhe ... Respondents

and Others

Mr. Shailendra S. Kanetkar for the Petitioners.

CORAM : GAURI GODSE, J.

DATE : 3rd SEPTEMBER 2025

ORDER :

1. This petition is filed to challenge the order rejecting the petitioner's application under Order XXII Rule 3 of the Code of Civil Procedure, 1908 ('CPC') to bring him on record as the legal representative of the original plaintiff.

2. The application is filed on the ground that the petitioner is a member of the governing council and therefore he has a right to be replaced in place of the plaintiff. This application is rejected mainly on the ground that no material was produced on record to show that the petitioner is a member of the governing council of the trust.

3. Learned counsel for the petitioner submits that even if it is held that the petitioner is not entitled to be substituted in place of the plaintiff, he would have right to be added as a necessary party to the proceedings. He therefore seeks leave to withdraw the application at Exhibit-56 with liberty to file appropriate application for adding him as a necessary party.

4. The impugned order is passed below Exhibit-56 in Regular Civil Appeal No. 411 of 2014. The appeal is filed by original defendant no. 4 to challenge the decree passed in a suit filed by deceased Sopan Dinkarrao Jagtap. The appeal is still pending. Hence, the petitioner is granted leave with liberty as prayed.

5. The writ petition is disposed of by passing following order:

(i) The petitioner is granted liberty to withdraw the application at Exhibit-56 with liberty to file appropriate application as permissible in law for adding him as a necessary or proper party.

(ii) In view of the leave and the liberty granted, the impugned order dated 19th July 2022 passed below

Exhibit- 56 is quashed and set aside.

(iii) If a fresh application is filed as per the liberty granted by this order, the same shall be decided in accordance with law on its own merits.

(iv) All the rival contentions of the parties on merits of such application, if filed, are kept open.

(v) The Writ Petition is disposed of in the aforesaid terms.

[GAURI GODSE, J.]