

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 13163 OF 2024

Bhaskar Krishna Jadhav & Ors

....Petitioners

V/S

Babasaheb Bhiva Jadhav & Ors

....Respondents

Mr. Shailesh Chavan i/b. Mr. Milind Deshmukh for the Petitioners.

CORAM : M. M. SATHAYE, J.

DATED : 20th MARCH 2025

P.C.:

1. Heard learned Counsel for the Petitioners who are Defendants in the suit. Respondent No. 1 is sole Plaintiff.
2. Leave is granted to the Petitioners to add the remaining parties in the Suit as party to this Petition. Amendment to be carried out within a period of two weeks from today.
3. Petitioners are challenging the order dated 29/01/2024 passed below Exhibit-110 in Regular Civil Suit No. 332 of 2008 by Civil Judge, Junior Division, Vaduj, by which the Respondent No. 1 is granted exemption from bringing legal heirs of the Defendant No. 7 on record.
4. Learned Counsel for the Petitioners submits that from the averments made in the Plaint and prayers made therein, it can be seen that right to be sued would survive on legal heirs of the Defendant No. 7 also and therefore the exemption could not have been granted.

5. Issue notice to the Respondents, returnable on 30/04/2025.
6. Till the next date, the operation of the impugned order shall remain stayed.

(M. M. SATHAYE, J.)