



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.15945 OF 2024**

Deepak Dattatraya Kulkarni	...	Petitioner
versus		
Pushpa Dattatray Deshpande and Ors.	...	Respondents

Mr. Amey C. Sawant, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 12 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 16 April 2024 passed by the learned Civil Judge, Indapur, whereby the application preferred by the Petitioner – Defendant Nos.1 to 4 to frame an additional issue as to whether the suit is barred by non-joinder of necessary parties as the legal representatives of Defendant Nos.6 and 13 who passed away during the pendency of the suit, had been brought on record and the Plaintiffs had initially taken a stand that they do not wish to bring the legal heirs of Defendant Nos.6 and 13 on record.
3. By the impugned order, the learned Civil Judge was persuaded to reject the application as, subsequently, by orders on Exhibits 111 and 114 legal representatives of Defendant Nos.6 and 13 were permitted to be brought on record, setting aside the order dated 18 February 2022.

4. Learned Counsel for the Petitioner submitted that the said applications could not have been allowed after the Petitioner filed an application (Exhibit 109) for framing of an additional issue of non-joinder of necessary parties.
5. The submission does not merit acceptance. Once the Court permitted the Plaintiffs to bring the legal representatives of Defendant Nos.6 and 13 on record by setting aside earlier orders, the question of non-joinder of necessary parties does not arise.
6. Thus, the Writ Petition does not deserve consideration in exercise of supervisory jurisdiction.
7. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)