

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5037 OF 2025

Manjunath Tukoba Revankar ...Petitioner

Versus

Hargunsingh Khotaingh Labana and ors. ...Respondents

Mr. Virendra Pethe, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 22nd APRIL, 2025

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PC:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 4th February, 2025 passed by the learned Civil Judge, whereby an application preferred by the petitioner – plaintiff to implead the legal representatives of late Bhurasingh Khetansingh, who had allegedly executed the sale deed in favour of the defendant on the basis of forged Power of Attorney, came to be rejected.
3. The learned Civil Judge was of the view that the right to sue did not survive against the legal representatives of late Bhurasingh Khetansingh as the alleged fraudulent acts attributed to late Borasingh Korasingh were personal to him.

In any event, it was the question of title that warranted adjudication at the trial.

4. The view taken by the learned Civil Judge appears to be impeccable. The right to sue did not survive against the legal representatives of late Bhurasingh Khetansingh. Thus, no interference is warranted in the impugned order.

5. The petition stands dismissed.

[N. J. JAMADAR, J.]