

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11673 OF 2025

Suhas Bapurao Gite ...Petitioner

Since deceased through his Legatee

Shekhar Suhas Gite

Versus

Dilip Mahadev Gangawane & Anr.

...Respondents

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Mr. Hrishikesh S. Shinde, for the Petitioner.

Mr. Ravi Uikey, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 01 OCTOBER 2025

P.C.:

1. Heard Mr. Hrishikesh Shinde, learned Counsel appearing for the Petitioner and Mr. Ravi Uikey, learned Counsel appearing for Respondent No.2.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the two separate Orders dated 2nd August 2025 passed by the learned 7th Additional Judge, Small Causes Court & Joint Civil Judge, Senior Division, Pune, below applications bearing Exhibit-33 and Exhibit-41 respectively filed in Civil Suit No.410 of 2018 (“**impugned Orders**”).

3. The said Application bearing Exhibit-33 was filed by the present Petitioner i.e. Shekhar Suhas Gite, one of the son of deceased-Suhas Bapurao Gite, Original Plaintiff in said Civil Suit No.410 of 2018,

seeking prayer that he be impleaded as the legal heir and representative of the deceased Plaintiff. In the said application bearing Exhibit-33 filed by the Petitioner it is contended that the subject property has been bequeathed to him by deceased father-Suhas Bapurao Gite and therefore, the Petitioner be only impleaded as legal heir and representative of deceased-Plaintiff-Suhas Bapurao Gite. The Exhibit-41 is filed in the said suit by the Respondent No.2, who is the daughter of deceased Plaintiff contending that she, her mother and sister be impleaded as necessary parties to the suit. The learned Trial Court has rejected application bearing Exhibit-33 filed by the present Petitioner and allowed Exhibit-41 application and also directed that the present Petitioner be also impleaded as Plaintiff as all i.e. son, two daughters and widow are legal heirs and representatives of deceased-Plaintiff.

4. It is the submission of Mr. Shinde, learned Counsel for the Petitioner that the deceased Plaintiff - Suhas Bapurao Gite had executed a registered Will-Deed in favour of the Petitioner - Shekhar Suhas Gite dated 4th March 2016 in respect of the suit property bequeathing the property in his favour and therefore it is necessary that only he be impleaded as legal representative of the Deceased Plaintiff.

5. However, perusal of the record shows that by Order dated 2nd August 2025 passed by the learned 7th Additional Judge, Small Causes Court & Joint Civil Judge, Senior Division, Pune, an Application bearing

Exhibit-41 filed in said Civil Suit No.410 of 2018 has been allowed by which the widow and other children namely two daughters as also the Petitioner i.e. all the heirs of the deceased-Plaintiff Suhas Bapurao Gite were directed to be brought on record as the heirs and the legal representatives. In the said Order dated 2nd August 2025 passed below Exhibit-41, the Court has relied on the definition of “Landlord”, as defined under Sub-Section (3) of Section 7 of the *Maharashtra Rent Control Act, 1999*, which defines the landlord as any person who receives or is entitled to receive the rent. In the said order it is also observed that, as far as the Will dated 4th March 2016 is concerned, the said Will is a joint Will of deceased - Suhas Bapurao Gite and widow - Savita Suhas Gite, who survived the original deceased-Plaintiff.

6. Thus, in the facts and circumstances, no interference in the impugned Order is warranted under the jurisdiction of this Court under Article 227 of the Constitution of India.

7. The Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]