



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.805 OF 2019

Subhash Bhaurao Godghate
Aged about 56 years, Occ: Retired,
R/o Wadekar Layout, Plot No.14,
Manewada Road, Nagpur.

...PETITIONER
(Ori. Plaintiff)

...V E R S U S...

1. Shri Ishwardas Nathuji Bhagat
Aged about Major, Occ: Retired,
R/o Plot No.A-31, Jaigurudeo
Nagar, Manewada Besa Road,
Nagpur-17.
2. Chandrarekha Wd/o Jainarayan Bhagat
Aged about 60 years, Occ: Household,
3. Roshan S/o Jainarayan Bhagat
Aged about major, Occ: Not known,

(Orig.Defendant)

Both 2 & 3 R/o, Qtr. No.8/4, E-96,
L.I.G. South of Ridge Road Colony,
Infront of Maruti Mandir & Bouddha
Vihar Ground, Nagpur-27.

- 4(a) Yogesh alias Rinku S/o Shivdas Bagat, (son)
Aged major, R/o Manewada Besa Road,
Kalyaneshwar Nagar, Near Kalyaneshwar Mandir,
Nagpur-440027.
- 4(b) Manisha W/o Nishant Damhare (daughter)
Aged Major, R/o Kailash Nagar,
Nagpur-440027.
- 4(c) Parinita W/o Amit Nirmal (daughter)
Aged major, R/o Qr.No.2/14, 51-L.I.G.
Ridge Road, Colony, In front of Super
Specialty Hospital, above Vinayak
Pharmacy, Nagpur-440027.

5. Sheshwanti W/o Sachin Vaidya

Aged about 44 years, Occ: Housewife

6. Vijay Bhaurao Godghate
Aged about 42 years, Occ: Not known,

Both 5 & 6, R/o Plot NO.14, Wadekar Layout
Behind KMG Hospital, Manewada Road,
Nagpur-24.

(Respondent Nos.2 to 6 are added as per
Hon'ble Court's order dated 22.09.2025)

...RESPONDENTS

Shri S.N. Dongre, Advocate for petitioners.
Shri S.S. Shahane, Advocate for respondent nos.3 to 6.

CORAM:- M.W. CHANDWANI, J.
DATED :- 07.10.2025

ORAL JUDGMENT:

1. **Rule.** Rule made returnable forthwith. Heard finally at the admission stage with the consent of learned counsels for the parties.

2. The writ petition challenges the order dated 03.08.2018 whereby, the learned 11th Joint Civil Judge, Senior Division, Nagpur allowed the application filed by respondent no.1 for joining other legal heirs of Class-II of deceased Harinarayan Nathuji Bhagat as party respondents.

3. The petitioner has filed probate proceedings claiming to be legatee of the Will executed by deceased Harinarayan Bhagat, who had no heir of Class-I. The petitioner is the nephew of deceased Harinarayan Bhagat, who falls in Class-II; whereas, the

respondents who also fall in Class-II, applied for addition of other heirs of deceased Harinarayan Bhagat to be added as party respondents. The learned trial Court, while allowing the application has considered that they are brothers, sisters and children of the predeceased brother of deceased Harinarayan Bhagat and therefore, they were directed to be added in the petition.

4. The petitioner is also an heir falling in Class-II who is claiming to be the legatee of deceased Harinarayan Bhagat. According to him, the deceased left the Will in his favour and therefore, he is seeking probate to the said the Will by the competent Court. There is no dispute that the proposed respondents are also heirs falling in Class-II and are in the same boat as that of the respondent no.1 as well as the petitioner *vis-a-vis* relations of these persons with the deceased. Therefore, I do not find any error in the order of the learned trial Court allowing the application of the respondents for adding the other respondents who are having the same status as that of the petitioner. Therefore, there is no merit in the petition and hence, the same stands dismissed. No order as to costs.

Rule is discharged.