

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2237 OF 2026

Kalpana Bharat Vaishnawa And Another

VERSUS

Rampion Fivest Pvt. Ltd. Through Its Director Amit Ashok Agrawal

...

Advocate for the Petitioners : Mr. Muthiyan Namit Sunil

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 04, 2026

PER COURT :-

1. Present petition takes exception to order dated 18.11.2025 passed below Exhibit-8 in Review Application No.02 of 2022 by learned Civil Judge Senior Division, Jalgaon, whereby petitioners are brought as legal heirs of deceased defendant no.1 on record in execution proceeding.

2. Mr. Muthiyan, learned advocate appearing for petitioners submits that petitioners cannot be termed as legal representatives. They are not representing estate of deceased and without deciding aforesaid issue, they are brought on record as legal representatives of defendant no.1. He would, therefore, urge that impugned order is liable to be quashed and set aside.

3. It is apparent that defendant no.1 is made liable to pay an amount of Rs.10,00,000/- with interest under decree passed by Civil Court. The petitioners are admittedly legal heirs (wife and son) of deceased/defendant no.1. In this background, application was

made on behalf of respondent to bring them on record as legal representatives. The Trial Court allowed said application observing that whether legal heirs of deceased defendant no.1 are liable to pay decretal amount or not is the question to be decided in execution proceeding. Apparently, contentions of petitioners are kept open. It is also open for petitioners to contend before Executing Court that they are not legal representatives since they are not representing estate of defendant no.1.

4. In that view of matter, no prejudice is caused to petitioners by impugned order. In result, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)