



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

WRIT PETITION NO. 6833 OF 2024
Shri Parimal @ Madanlal S/o. Babulal Parate and others
Vs.
Shri Vijaykumar S/o. Bhaiyyalal Parate and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H. I. Kothari, Advocate for petitioners.
Ms. Ketki Jaltare, Advocate for respondent nos. 1 and 2.

CORAM :- M. W. CHANDWANI, J.

DATED :- 27.01.2026

Heard.

2. The petition challenges the order dated 22.10.2024 passed below Exh.176 by the CJSD, Nagpur in MJC No. 350/2014 rejecting the application of the petitioners for deleting the name of so called legal heirs of deceased respondent no. 17 in the MJC i.e. respondent no. 19 in the present petition and further restrained the legal heirs from participating in the proceeding and taking action against respondent nos. 1 and 2.

3. The order dated 17.06.2016 passed below Exh.65 reveals that the Trial Court has kept the application for bringing the legal heirs of deceased respondent no. 17 on record in abeyance and observed that it is to be decided along with MJC No.350/2014. It appears that ignoring this order, the legal heirs of

deceased respondent no. 17 were brought on record and the matter was proceeded further.

4. Later on, by application (Exh.176), the petitioners brought this to the notice of the Trial Court, that inspite of the application (Exh.65) kept in abeyance, the names of legal heirs of deceased respondent no. 17 were brought on record without any order.

5. The Trial Court rejected the application of the petitioners on the ground that the matter is already proceeded much ahead after bringing the legal heirs on record and various steps have been taken in the matter. The Court specifically observed that the persons whose names were brought on record are the legal heirs of deceased respondent no. 17 or not will be decided at the final stage.

6. Though, wrongly the names of the so called legal representatives have been brought on record, it will not affect the petitioners since, the adjudication on the point of legal representatives of deceased respondent no. 17 has been expressly kept open for consideration at the time of disposal on the merits of the suit. Thus, no interference is required with the impugned order of the Trial Court.

7. Needless to mention that the points whether the persons whose names have been brought on record are the legal heirs of deceased respondent no. 17 or not

and whether they are entitled to his share are kept open and shall be decided alongwith the said MJC.

8. In the above-said terms, the petition is disposed of.

(M. W. CHANDWANI, J.)