

Order below Exh.97 in RCS No.314/2014

By this application plaintiff have requested to add the husband of deceased original plaintiff Shashikala Nelwade as co-plaintiff, on the ground that he is also one of her legal heir. Defendant No.2 has filed her say and raised objection on the ground that taking into consideration the nature of suit, husband of deceased original plaintiff Shashikala Nelwade cannot be her legal heir. Defendant Nos.3 and 4 failed to file their say. The husband of deceased original plaintiff Shashikala Nelwade filed his no objection at **Exh.104**.

2. Perused application and say. Heard learned advocate Shri J.V. Dhumal for plaintiff and learned advocate Shri.U.S.Jadhav for defendant No.2. Record shows that deceased original plaintiff Shashikala Nelwade had filed this suit for partition and separate possession of her ancestral properties described in para No.2 of the plaint. In such situation and taking into consideration provision of sub Section 2 of Section 15 of Hindu Succession Act, 1956, the husband of a hindu woman cannot be her legal heir while she claims partition in her ancestral property. Taking into consideration said provision, I find no substance in this application and pass following order:-

ORDER

1. Application is rejected.
2. No order as to costs.

Date :15/03/2024

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.