

ORDER BELOW EXH. 391
(Passed on 10th June 2025)

1. Perused application, say and record of present proceeding. Heard all parties at length. Gone through relevant legal provisions.
2. Before parting with merits of this application, it is worth to state here that as per order passed by the Hon'ble High Court of Bombay in Writ Petition No.2454/2023, dated 13/12/2023 and many other orders passed by my ld. Predecessor on various application in this case, it is clarified that the name of plaintiff no.1B has wrongly deleted and he is the proper party to the instant suit. Considering same, it goes without saying that plaintiff no. 1B has locus standi to contest this suit as a party.
3. So for as, question of present application is concerned, it appears that firstly, the present application came or be filed to recall or review order passed by this Court below Exh.328 and 330, dated 07/02/2025 by which this court has condoned delay to file an application for brining L.R.s of record. According to plaintiff nos.1,3 and 4, legal heirs which plaintiff no. 1B is trying to bring on record are not interested in instant proceeding and never appeared before this Court even after knowledge of present suit. In this regard, this Court is of opinion that present suit is filed for partition of the suit property, and therefore, irrespective of interest of L.R.s or necessary parties, it is necessary to implead them as parties in order to avoid future complications and multiplicity of litigation. It is the well settled principle of Law that necessary parties are required to be added in any suit or proceeding in the interest of justice. Hence, there arise no reason to recall or review an order passed by this court for condonation of delay to bring legal heirs on record.

4. Apart from this, the present application is not teneble in view of limitation period as well as on the point of jurisdiction. It came to be filed on lapse of period of limitation as per Article 124 of the Limitation Act. No any specific or justifiable reason is appear be mentioned for such delay. Also, present order being an interlocutory order, it need to be challenged before the appropriate Court. Further, if prayer of plaintiff no.1B is considered positively, it willnot change nature or prayer of the suit at hand. Rather, it will definately help to decide dispute on merits after advancing fair opportunity to each parties of being heard.

5. Considering all aforesaid discussion, this Court is of opinion that there appear no reason to recall or review common order passed by this Court below Exh.328 and 330 dated 07/02/2025. Therefore, in my considered opinion, present application lacks merits and deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

- (i) Application stands rejected.
- (ii) Cost in cause.

Place: Pen
Date: 10/06/2025

(Smt. A. A. Kale)
Civil Judge, Jr. Div., Pen.