

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11050 OF 2012

Shri. Ambadas Motiram Pawar. ...Petitioner.

vs.

**Hirachand Dassu Sonawane
since deceased through legal heirs
and representatives. ...Respondents.**

Mr. Uday Warunjikar for the Petitioner.

Mr. Ulhas T. Naik for Respondent Nos. 1A to 5 and 6 to 14.

Ms.Vaishali Nimbalkar, AGP for Respondent No.225.

CORAM : A.P. BHANGALE, J.

DATE : 30TH MARCH, 2015

PC:

Heard submissions advanced by the learned counsel
Shri. Uday Warunjikar on behalf of the petitioner, the submissions
advanced by the learned counsel for the respondents and the
learned A.G.P. for the State.

2) It appears that the learned District Judge III Nashik by
order dated 14 August 2012 decided the application at Exh.148 in
the proceedings being Civil Misc. Application No.53/2008 pending
before the learned District Judge III, Nashik. After hearing the

parties at interlocutory stage, the order was passed whereby it was observed that no prejudice will be caused to the parties (applicants and opponents in the said proceedings) if third parties are allowed to be joined as opponents on the ground that an opportunity is required to be given to the persons concerned before deciding the controversy effectively and finally.

3) According to the learned advocate for the respondents, this court had earlier by an order dated 11 September 2011 in Writ Petition No.6025/2011 had observed that the order under challenge is interlocutory and if the final order in the inquiry is in anyway adverse to the petitioners, the petitioners can challenge the same by raising appropriate pleas and particularly with regard to the intervention by the contesting respondents and-all pleas were kept open. It was directed that the learned District Judge III Nashik shall conclude the inquiry as expeditiously as possible.

5) My attention was invited to decree passed in Special Civil Suit No.812/2005 by the Court of Civil Judge,S.D., Nashik on 31 July 2014 whereby the Special Civil Suit for declaration was decreed declaring that the plaintiffs were having one half share

in the compensation amount which is the subject matter of that suit and defendant No.7 in that suit was directed to make half share of the compensation to the plaintiffs. That decree was passed on 31 July 2014. It is submitted that regarding Bombay Bhil Naik Inam Abolition Act, 1955 the legal heirs are entitled to claim compensation pursuant to the abolition of the Inam and accordingly award was also passed and the matter is still pending before the Maharashtra Revenue Tribunal, Mumbai.

6) All these pending proceedings and their implication as also impleading of necessary and proper parties to the proceedings can be considered by the learned District Judge III, Nashik before he passes the final order below Civil Misc. Application No.53/2008 pending on his file.

7) Accordingly, the petition stands disposed of with a direction to the learned District Judge III Nashik to dispose of Civil Misc. Application No.53/2008 pending on his file as expeditiously as possible. All contentions of the parties are kept open. No order as to costs.

(A.P. BHANGALE, J.)