

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7943 OF 2016

Kushaba Bala Beldar since deceased
through L.R. Vithal Kushaba Beldar
and Ors.

.. Petitioners

-Versus-

Dinkarrao Shankarrao Pawar since
deceased through L.Rs. Smt. Vatsalabai
Dinkarrao Pawar & Ors.

..Respondents

Mr. V.A.Shastry for petitioners

Mr.Vivek Patil with Shirwadkar & Arjun Pawar for respondent No.2

Mrs. Vaishali Nimbalkar, AGP for State.

CORAM : G.S. KULKARNI, J.
DATE : 23rd August 2016.

P.C.

1] The petition takes exception to the order dated 21st April 2016 passed by the Maharashtra Revenue Tribunal (MRT), whereby the petitioner is directed to take steps to bring the legal representatives of the deceased Shri Dinkarrao Shankarrao Pawar, Smt. Vatsalabai Dinkarrao Pawar and Manikrao Shankarrao Pawar on record. The objection on behalf of the petitioner is that these deceased persons cease to have any legal right in respect of the land in question.

2] After the matter was heard for some time, the learned Counsel for the petitioner fairly agrees that such a challenge to any rights which the

deceased persons possessed in the land and now the rights of the legal representatives, pertain to the merits of the matter. He, therefore, fairly agrees that the petitioner would bring the legal heirs of these deceased persons on record. Admittedly, there is delay in moving this application to bring the legal heirs on record. However, in the facts and circumstances of the case, the MRT would permit the legal heirs to be brought on record. Learned Counsel for the respondent also agrees to this position.

3] Learned Counsel for the petitioner further fairly agrees that once the legal heirs are brought on record, then, appropriate proceedings / application would be taken out on behalf of the petitioner seeking deletion of the legal heirs of these deceased from the proceedings as, according to the petitioners, no legal rights are vested in them. Admittedly, this is a matter on the merits of the issue and nothing precludes the petitioner from moving appropriate application, including an application for making such prayers for deletion of parties. If any such application is made, the same shall be considered by the MRT on its own merits and in accordance with law. All contentions of parties in that regard are expressly kept open. In view of this position, further adjudication of this petition is not warranted. Petition is disposed of in the above terms. No costs.

(G.S. KULKARNI, J.)