

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1697 OF 2013

IN

WRIT PETITION NO.2410 OF 2001

Shahaji G. Salunkhe and another.	]	... Applicants
Versus		
Bhagirathibai Keshav Salunkhe and Ors.	]	... Respondents

WITH

CIVIL APPLICATION NO.531 OF 2004

IN

WRIT PETITION NO.2410 OF 2001

Shantaram Bhagwan Salunkhe and Ors.	]	... Applicants
Versus		
Shahaji Govind Salunkhe and Ors.	]	... Respondents

WITH

CIVIL APPLICATION NO.2756 OF 2008

IN

WRIT PETITION NO.2410 OF 2001

Dilip Raghunath Salunkhe and Ors.	]	... Applicants
Versus		
Shahaji Govind Salunkhe and Ors.	]	... Respondents

Ms. Suvarna Telgote for Applicants in Civil Application No.531 of 2004.

Mr. V. S. Talkute for Respondent Nos.1A to 1C and 2 to 4.

Mr. S. D. Rayrikar, A.G.P, for Respondent No.8.

Mr. S. G. Deshmukh a/w Mr. Akshay Shinde for Applicants.

CORAM :- M. S. SONAK, J.
DATE :- JANUARY 28, 2016

P. C. :-

1. The order dated 14/01/2016 made in the above Civil Applications is hereby recalled.
2. The order was made in the absence of the learned Counsel for Applicants. The order so made appears to have had certain unintended consequences. Therefore, the same is hereby recalled in its entirety.
3. Civil Application No.1697 of 2013 was for the purposes of bringing on record legal heirs of respondent no.1. From the averments made therein, the same is allowed. If in pursuance of the order dated 14/01/2016, the petitioners have already brought on record the legal representative/s of respondent no.1, then such exercise shall be deemed to have been undertaken under the present order. Civil Application No.1697 of 2013 is disposed of accordingly.
4. Civil Application No.531 of 2004 filed by the respondent no.6 seeks vacation of interim relief granted in favour of the petitioners in the year 2004. The main writ petition is of the year 2001. The matter is ready for final hearing. Therefore, it would not be appropriate at this stage to vacate the interim relief granted in the

year 2004. Civil Application No.531 of 2004, therefore, to be taken up along with final hearing of the main petition.

5. Civil Application No.2756 of 2008 seeks impleadment of the Applicants as respondents in the main petition and further for vacation of interim relief. The applicants are permitted to intervene in this petition. The necessary amendment already carried out shall be deemed to have been carried out under this order. However, there is no necessity of considering the application for vacation of interim relief at this stage. Civil Application No.2756 of 2008 is also disposed of. There is already another application i.e. Civil Application No.531 of 2004, pending for considering the issue of vacation of interim relief.

6. Place Writ Petition No.2410 of 2001 for final hearing on 24/02/2016 at 3.00 p.m., along with Civil Application No.531 of 2004.

(M. S. SONAK, J.)