

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1480 OF 2003
WITH CA/9021/2018 IN WP/1480/2003
WITH CA/9015/2018 IN WP/1480/2003
WITH CA/9018/2018 IN WP/1480/2003
WITH CA/8998/2018 IN WP/1480/2003
WITH CA/9003/2018 IN WP/1480/2003
WITH CA/9006/2018 IN WP/1480/2003
WITH CA/9013/2018 IN WP/1480/2003

TUKARAM NARAYNA MULE DIED LRS & ORS
VERSUS
INDRAVANIBAI NARAYAN MULE DIED LRS & ORS

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Advocate for Petitioner : Shri Suryawanshi P.D.
Advocate for Respondents 1(ii) A & B : Shri Patil A.V.
h/f Shri Chapalgaonkar S.S.
Advocate for Respondents 2-ii to 2-x : Ms. Mohale R.M.
h/f Shri Choudhari S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 13, 2018

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PER COURT:-

1. In all these civil applications, the petitioners / applicants pray for bringing L.Rs. of several deceased respondents on record. Notices have been issued in each of these civil applications to the concerned L.Rs. Some of the L.Rs. have caused an appearance.

2. The contesting respondents / decree holder is respondent No.1(ii)(A) and (B). It is submitted on instructions that the decree holder has no objection if the L.Rs. are brought on record in the writ

petition and the petition can be allowed so that the petitioners can implead the said L.Rs. in the execution proceedings. Shri Choudhary, learned Advocate for judgment debtor - respondent No.2(ii) and L.Rs. of 2(x), submits that they concur with the consent given by Shri Chapalgaonkar, learned Advocate on behalf of the decree holders.

3. None present for the rest of the respondents.

4. The Civil Applications are, therefore, allowed. The delay caused is condoned, subject to the petitioners depositing costs of Rs.15,000/-. Learned Advocates for the respondents submit that the said amount be donated for the treatment of poor patients. As such, this amount shall be deposited on/or before 14.1.2019 with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (Demand Draft be drawn in the name of “**Dean, Government Medical College and Hospital Dengi Samiti, Aurangabad**”) and the receipt shall be produced before the executing Court to indicate such deposit. If the amount is not deposited, this order shall stand recalled and the civil applications shall stand rejected.

5. Civil Application No. 9021 of 2018 stands disposed off as the purpose for which the petitioners have filed this application, is served by

the order of this Court dated 23.1.2017, passed in Civil Application No. 12865 of 2016.

6. In view of the above, the petition is allowed in terms of prayer clause (C), which reads as under:-

" The order dated 27.3.2003 below Exhibit 61, 62 and 63, order dated 29.3.2003 below Exhibit 69 and 70 and order dated 3.4.2003 below Exhibit 73 and 74 passed in Regular Darkhast No.6 of 1992 by the learned Civil Judge Junior Division, Tuljapur may please be quashed and set aside by issuing writ of certiorari orders or directions in the nature of writ of certiorari. "

7. Upon compliance of the above directions, the petitioners shall bring on record the L.Rs. in view of this order in the execution proceedings on/or before 31.1.2019.

8. Rule is made absolute in these terms.

9. Regular Darkhast No.6 of 1992 is expedited and the executing Court shall decide the said execution proceedings on/or before 30.6.2019.

(RAVINDRA V. GHUGE, J.)

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