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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13099 OF 2017

Raosaheb Babarao Magar

PETITIONER

VERSUS

Gangabai Babarao Magar and Others

RESPONDENTS

.....
Mr. Pravin N. Kalani, Advocate for the petitioner
Mr. M. B. Ubale, Advocate for the respondents
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 25th SEPTEMBER, 2018

ORDER :

1. Learned advocate for the petitioner submits that office had raised objection with regard to inclusion of Shakuntala Harishchandra Patange as respondent in the writ petition, since her name did not figure in the plaint produced along with writ petition. The impugned order shows that Shakuntala Harishchandra Patange had been added as defendant No. 5 in the suit.

2. In the circumstances, while there is explanation coming forth for adding Shakuntala Harishchandra Patange in the array of respondents, it would be expedient to add defendant No. 5 - Shakuntala Harishchandra Patange as respondent No. 5 in the writ petition. Request of the petitioner of adding defendant No. 5

- Shakuntala Harishchandra Patange as respondent No. 5 in the writ petition accordingly stands allowed. Amendment be carried out forthwith.

3. Issue notice to respondents. Mr. M. B. Ubale, learned advocate waives service for all respondents including added respondent No. 5.

4. Since request made under application Exhibit-16 to dispose of Regular Civil Suit No. 372 of 2013 in terms of compromise has neither been accepted nor rejected, trial court may pass appropriate order either accepting or rejecting the compromise.

5. As such, order on Exhibit-16 is set aside. Exhibit-16 is restored with the trial court for decision as referred to above.

6. Writ petition stands disposed of. Having regard to age of the plaintiff, it is expected that the application is promptly dealt with.

Dinesh
Ramrao
Pawar

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Dinesh Ramrao
Pawar
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[SUNIL P. DESHMUKH, J.]