

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 734 OF 2018

CHITRA VIJAY GULVANJKAR AND ANOTHER
VERSUS
PRALHAD BALASAHEB GOVIND DAHALE AND OTHERS

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Advocate for Petitioners : Shri Rakh Arun V.
Advocate for Respondents 6 & 7 : Shri Bhandari Anand P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 01, 2018

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PER COURT :-

1. Though respondent Nos.8 to 11 are unserved, Shri Bhandari, learned Advocate appearing on behalf of the original plaintiffs / respondent Nos.6 and 7 submits on instructions, that he has no objection if this petition is allowed.

2. He clarifies that the petitioners herein are the L.Rs. of deceased Smt. Nirmala who is appellant No.2 in RCA No.761 of 2012. After her demise, two L.Rs. namely, Shrikant and Mahesh have been brought on record. The petitioners herein are the biological daughters of deceased Nirmala and Shivajirao, who have been left out secretly by brothers Shrikant and Mahesh. Hence, they have moved the application Exhibit 41 for being arrayed as co-appellants on the same lines, on which, Shrikant and Mahesh were permitted to become co-appellants. By a

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single line order dated 5.12.2017, the appellate Court has kept the application pending.

3. I, therefore, find that this petition can be disposed off, considering the statement of the learned Advocates that respondent Nos.8 to 11 are non-objectors in so far as the request of these petitioners is concerned and respondent Nos.1 to 7 have already been served.

4. As such, this petition is disposed off with a direction to the appellate Court to decide application Exhibit 41, as expeditiously as possible and in any case on/or before 31.3.2018, after considering the submissions of all the litigating sides. So also, since the Regular Civil Appeal No.761 of 2012 is pending for 6 years, the appellate Court shall decide the said proceedings finally on/or before the 31st day of December, 2018.

(RAVINDRA V. GHUGE, J.)

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