

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.10489 OF 2019
IN WP/8994/2019

SWATI PRAKASH JADHAV AND ANOTHER
VERSUS
PANDURANG BALASAHEB KAILEWAD AND OTHERS

...

Advocate for the Applicants : Shri R.R.Karpe h/f Shri Deshmukh Mahesh
S.

Advocate for Respondent 1 : Shri S.V.Natu h/f Shri N.S.Shah
AGP for Respondents 2 and 3 : Shri S.R.Yadav

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 13th September, 2019

Per Court:

1 This civil application has been filed by two applicants, who
claim to be the non-applicants before the Assistant Registrar of
Partnership Firms in Application Dispute No.835/2018.

2 I have heard the learned advocates for the respective sides.

3 The grievance of the applicants is that this court passed the
order on 26.07.2019 in Writ Petition No.8994/2019 filed by the petitioner
(Pandurang Kailewad). The order that he sought to challenge in the
petition was passed by the Assistant Registrar, Partnership Firms on
28.02.2019 simply informing the petitioner that his representation dated
01.10.2018 cannot be entertained by the said authority. Neither any

notice was issued, nor any party was heard.

4 The learned advocate for the applicants submits that the representation was actually Application Dispute No.835/2018 dated 01.10.2018 in which, the applicants were the respondents. They should have been arrayed in the writ petition before this court. This aspect was deliberately suppressed.

5 The learned advocate for the petitioner (Pandurang) submits that since no notice was issued by the Assistant Registrar and without causing any hearing, a cryptic order was passed on 28.02.2019 declaring that he has no jurisdiction, that the petitioner had moved this court only for seeking a direction that the said authority should consider his application by hearing the parties. He submits that the petitioner has not done this deliberately and if the applicants feel that the petitioner has deliberately suppressed this aspect, he tenders an unconditional apology.

6 Considering the above, I find that had these applicants been before this court, I would have directed the Assistant Registrar to decide the application filed by the petitioner (Pandurang) on it's own merits after hearing the parties since he cannot reject the application by issuing a letter from his office without even hearing the parties.

7 Considering the above, this Civil Application is partly allowed. The petitioner shall array these applicants in the memo of the disposed off writ petition forthwith as respondent nos.3 and 4. Consequentially, the

names of these two applicants shall be reflected in the cause title of the order dated 26.07.2019. Corrected copy of the order dated 26.07.2019 be issued.

8 It shall be noted that the Assistant Registrar, Partnership Firms shall hear all the parties on the Application Dispute No.835/2018 filed on 01.10.2018. All the parties shall appear before the Assistant Registrar, Partnership Firms at Aurangabad on 23.09.2019 at 12:00 noon and shall abide by the dates of hearing as may be posted by the said authority.

kps

(RAVINDRA V. GHUGE, J.)