

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.7749 OF 2017

Indira Krishanan Karippara and another.	]	Petitioners
Vs.		
Keshavji Mawada (deleted since deceased)	]	
Nandlalbhai Keshavji Bhai Mawada and another.	]	Respondents

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Mr. Bharat S. Kothari, Advocate for the Petitioners.

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CORAM : R.G. KETKAR, J.

DATE : 25th APRIL, 2019.

P.C.

Not on board. At the request of Mr. Kothari, taken up in the production board.

2. Heard Mr. Kothari, learned Counsel for the petitioners.

3. By order dated 11th April, 2018, the notice for final disposal was issued to the second respondent. It was made clear that despite service if the second respondent fails to appear, the Court will proceed to decide the Petition on its own merits. Office remark dated 25th April, 2019 shows that notice on respondent No.1 is duly served as per Bailiff's report. Fresh notice issued to the second respondent is returned 'unserved' with Bailiff remark that he has left the suit premises before six months back and at present whereabouts not known.

4. By order dated 12th September, 2017, notice for final disposal was issued to the respondents returnable on 28th September, 2017. Office remark

dated 23rd February, 2018 shows that respondent No.2 is duly served. The Petition was thereafter heard on 14th December, 2018. Leave to amend the Petition by bringing on record legal representatives of respondent No.1 Keshavji Mawada (since deceased) was granted. Fresh notice was issued to legal representatives of respondent No.1 returnable on 21st January, 2019.

5. The Petition was thereafter heard on 21st January, 2019. Notice for final disposal was issued to the legal representatives of deceased Keshavji Mawada. Office remark dated 25th April, 2019 shows that notice on respondent No.1 was served as per Bailiff's remark.

6. Mr. Kothari submits that the controversy raised in this Petition is concluded by order dated 14th December, 2018 passed by this Court in Writ Petition No.7524 of 2017 and companion Writ Petitions. This Writ Petition, however, left out from the companion Writ Petitions and was, therefore, not disposed of.

7. In view of this submission and for the reasons recorded in the order dated 14th December, 2018 in Writ Petition No.7524 of 2017 and companion Writ Petitions, Rule is made absolute in terms of prayer clause (a) with no order as to costs.

8. All the parties, including the trial Court, to act upon the authenticated copy of this order.

[R.G. KETKAR, J.]