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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.159 OF 2014

Sou. Yesabai Pandurang More & Anr.	..Petitioners.
V/s.	
Smt. Bhikabai Baban Jambhale & Ors.	..Respondents.

Mr.Prashant Bhavake for the petitioners.

Mr.Ruturaj P.Pawar for respondent Nos.1 & 2.

CORAM : M.S.SONAK, J.

DATE : MARCH 22, 2019

P.C.:-

Heard Mr.Bhavake, learned counsel for the petitioners and Mr.Pawar, learned counsel for respondent Nos.1 and 2.

2. Mr.Bhavake, learned counsel for the petitioners points out that respondent Nos.1 and 2 are the contesting parties, since they are the plaintiffs in the suit. Mr.Bhavake points out that all the respondents are even otherwise served.

3, Challenge is to the order dated February 6, 2013 by which learned trial Court Judge has allowed the impleadment of the petitioners in the suit in which a preliminary decree has already been made without holding no further inquiry and referring the decree for execution to the Collector.

4. On perusal of the impugned order, it is clear that there was no inquiry made in pursuance to the impleadment of the petitioners as a party to the suit. Accordingly, the impugned order dated February 6, 2013 is set aside. Learned trial Judge is directed to hold necessary inquiry as is contemplated in law after giving opportunities to the concerned parties and to thereafter make appropriate orders.

5. Since the final decree application is of the year 1994, learned trial Judge is directed to dispose of the same as expeditiously as possible and in any case within a period of 6 months from today.

6. The petitioner is disposed of in above terms.

7. There shall be no orders as to costs.

8. Parties to appear before the learned trial Judge on April 8, 2019 at 11.00 a.m. and to produce an authenticated copy of this order.

9. All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)