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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1521 OF 2019

Shri Harishchandra Pandurang Bhoi .. Petitioner

Vs.

The Chief Secretary,
Government of Maharashtra & Ors. .. Respondents

None for the Petitioner.

Mr. M. M. Pabale, AGP for State.

Mr. Kishor S. Patil for added Respondent No.5 (Applicant in
IA/1/2019).

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

JANUARY 08, 2020

P.C.

1. While impleading the Applicant of Interim Application No. 1 of 2019, we have passed an order today which reads as under :

“1. In the Writ Petition filed it is pleaded that a mutation effected in the name of the Applicant Shri Musab Anis Dolare is based on a decree dated 03.02.2018 which has been fraudulently obtained. As per the Applicant the decree is neither fraudulent and is dated 03.02.2016.

2. Be that as it may, on the pleadings in the Writ Petition it is apparent that the Applicant ought to have been impleaded as a Respondent and thus the Application is disposed of impleading the Applicant as Respondent No.5.

3. Formal amendment be carried out in the Registry within two weeks from today.”

2. In the Writ Petition the Petitioner has admitted that the decree dated 03.02.2016 (wrongly typed in the Writ Petition as 03.02.2018) has been challenged by him in Special Civil Suit No. 348 of 2016 in the court of the Civil Judge, Senior Division, Kalyan.

3. The prayer made in the Writ Petition that an inquiry be directed to be held and the Mutation Entry No. 4248 and 4249 in favour of the Applicant of Interim Application No. 1 of 2019 be cancelled cannot be granted.

4. Needless to state the issue would have to be debated between the parties in Special Civil Suit No. 348 of 2016 pending the Court of Civil Judge, Senior Division, Kalyan.

5. The Writ Petition is accordingly dismissed.

**Pravin D.
Pandit**

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE

Digitally signed by
Pravin D. Pandit
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