

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

948 CIVIL APPLICATION NO.2662 OF 2019
IN WP/11024/2017

GULAM AHMED MIYA SAHEB THROUGH GPA AND CUSTODIAN AHMED
KHAN RASHID KHAN BANDANAWAZI
VERSUS
SHAIKH SANDU SHAIKH ZAHOR DIED LRS MAIMUNABI SHAIKH
SANDU AND OTHERS

Mr.Vakil Afzal Husain M., Advocate for the applicant.

CORAM : N.J.JAMADAR, J.
DATE : 11.03.2021

PC :-

01. None present for the petitioner.

02. By order dated 31.01.2020, two weeks' time was granted to the petitioner to file affidavit-in-reply. It does not seem that the petitioner has filed affidavit-in-reply. Learned Counsel for the intervener-applicant has tendered a certified copy of the appeal memo in Appeal No.61/A/1996/A, wherein the applicant is arrayed as respondent No.4. Said appeal came to be dismissed for default by order dated 12.01.2015. By the impugned order, the prayer for restoration came to be dismissed. However, the cause title of the application 08/D/2016 does not indicate that the applicant herein was impleaded as party respondent before the Tribunal.

03. In view of the above, as the applicant was party to the main proceeding i.e. Appeal No.61/A/1996/A, it is necessary to implead him as party in this writ petition. The application, therefore, deserves to be allowed.

Hence, following order :-

The application stands allowed in terms of prayer clause (B)

The petitioner shall implead the applicant as respondent No.4 and serve copy of the petition within a period of four weeks from today. The application stands disposed of.

The writ petition be listed for hearing on 22.04.2021.

[N.J.JAMADAR,J.]