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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.794 OF 2019.

SHOBHAVATI BALKRISHNA
GAONKAR (DEC) THR. HER LRS.
AND 14 ORS

...Petitioners

Versus

ABOLEM TIMANO KAMAT @ ...Respondents.
GAONKAR AND 35 ORS.,

Mr. S. D. Padiyar and Mr. P. Arolkar, Advocates *for the petitioners.*

Mr. O. Kulkarni, Advocate *for the respondent no.34,35 and 36.*

CORAM: MANISH PITALE, J.

DATED: 6th September, 2021.

P.C.:

1. When the petition was called out for hearing, Mr. Padiyar, learned Counsel appearing for the petitioners on instructions states that the petitioners shall move an appropriate composite application seeking transposition of the contesting respondent nos. 34, 35 and 36 and consequential amendment to the plaint including prayer clause.
2. The learned counsel appearing for the aforesaid contesting respondents has no objection to such proposal made on behalf of the petitioners.
3. Without going into the merits of the matter or proposed composite application to be moved by the petitioners before the

trial Court, this Court is of the opinion that it would be appropriate in the interest of justice that the impugned order is set aside and liberty is granted to the petitioners.

4. Consequently, Writ Petition is allowed. The impugned order is quashed and set aside. The petitioners are granted liberty to file appropriate composite application seeking transposition of the aforesaid contesting respondents as also consequential amendment in the plaint including prayer clauses. The Court below shall consider such application and shall pass appropriate orders.

5. Writ Petition stands disposed of accordingly.

MANISH PITALE, J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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