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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2913 OF 2020
IN
WRIT PETITION NO.10229 OF 2018**

Sakharam Valku Raut and Ors.

.. Applicants

Versus

Girijabai Bhdhaji Manje, since deceased legal
heirs Nanda Vithal Patil and Ors.

.. Respondents

-
- None for the Applicants
 - Mr. A.B. Kadam, Advocate for Respondent No.1
 - Mr. J.M. Joshi, Advocate for Respondent Nos.2 to 8
 - Mr. P.P. Pujari, AGP for the State

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CORAM : MILIND N. JADHAV, J.

DATE : 16th DECEMBER, 2021.

P.C.:

The present Interim Application has been filed by the
Petitioner in Writ Petition No.10229 of 2018 for seeking the following
reliefs:

- "a) Delay of 25 days may kindly be condoned;
- b) This Hon'ble Court be pleased to allow the Applicant amendment in the title of writ petition by deleting the name of Respondent no.1 and bring the legal heirs 1a to 1f on records.
- c) This Hon'ble Court be pleased to direct the Respondents not to create third party right in the said Land bearing Survey No. 197 Hissa No.1 is in the absolute physical possession of the Petitioners and the Petitioners were tilling the land for more than 60 years

and there are permanent houses bearing House No. 25 and 26 constructed long back on the said Land bearing Survey No. 197 Hissa No.1 and the Petitioners are staying alongwith the family members of the Petitioners."

2. In so far as prayer clause 'b' is concerned the Applicants seeks deletion of the name of the Respondent No.1 and substitute the same by the names of his legal heirs which are mentioned in paragraph No.3 of the Application. Respondent No.1 has expired on 09.11.2019.

3. In so far as prayer clause 'a' is concerned, the delay of 25 days stands condoned. Impleadment of legal heirs as sought is allowed.

4. Applicants / Petitioners to carry out the necessary amendment for impleadment of Respondent Nos. 1(a) to 1(f) within a period of four weeks from today. Copy of the amended petition be served on the respective parties within a period of two weeks thereafter. Re-verification stands dispensed with.

5. In so far as prayer clause 'c' is concerned, it is seen that the same is in the nature of ad-interim relief and corresponds to prayer clause 'e' of the Writ Petition. It is also seen that the Advocate for the Petitioner has appeared before this Court on 12.03.2021 when ad-interim relief was not pressed for.

6. Interim Application stands allowed in terms of prayer clauses (a) and (b) disposed of with liberty to the Applicant / Petitioner to press for ad-interim / interim relief at the time of the hearing of the Writ Petition.

7. Writ Petition be placed on board on 27.01.2022.

[MILIND N. JADHAV, J.]

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