

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2050 OF 2021

Limbaji Balu Shende & Anr.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

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- Mr. Prasad K. Dhakephalkar, Senior Advocate i/by Mr. Abhijit P. Kulkarni for the Petitioners
 - Mr. A.I. Patel, Addl. G.P. for the State
 - Mr. Ashutosh M. Kulkarni a/w Akanksha Helaskar, Mr. Akshay Kulkarni for Respondent No. 7
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : JULY 6, 2021.

P.C.:

By the above Writ Petition, the Petitioners have impugned the letter / decision / order dated 15.03.2021 issued by the Revenue Circle Office, Nimgaon Ketki, Taluka Indapur, District Pune. The Petitioners have also impugned the letter / decision / order dated 15.01.2021 issued by the RDC, District Collector Officer Pune.

2. By order dated 23.03.2021, this Court has directed the parties to maintain status quo in respect of the subject structure.

3. Today Mr. Dhakephalkar, the learned Senior Advocate

appearing for the Petitioners informed us that apart from the orders impugned in the Writ Petition, the Petitioners are now informed that the Grampanchayat has also issued a notice to the Petitioners dated 13.08.2020 which according to the Petitioners is not served on them. He has further informed the Court that the Petitioner has now filed a suit being Special Civil Suit No. 184 of 2021 before the Civil Judge Senior Division, Baramati inter alia seeking reliefs which are also sought in the above Writ Petition. He seeks extension of the order dated 23.03.2021 to enable the Petitioners to seek ad-interim / interim reliefs in the said Suit No. 184 of 2021 filed by the Petitioners before the learned Civil Judge Senior Division, Baramati. In view thereof, we pass the following order:-

- (i) The order passed by this Court on 23.03.2021 directing status quo to be maintained in respect of the subject structure shall be continued upto 19th July, 2021.
- (ii) The Respondent No.7 herein is allowed to be joined as party Defendant No.6 in Suit No.184 of 2021 and the Interim Application. Notice in Suit No.184 of 2021 is waived by Respondent No.7 herein. The Plaintiff shall carry out necessary amendments in the said Suit including consequential amendments on or before 7th July, 2021 and forthwith serve a copy of the amended Plaint and

Interim Application on the Advocates for the parties including the newly added Defendant No.6

- (iii) The Petitioners shall be at liberty to move an Application seeking ad-interim / interim reliefs before the learned Civil Judge Senior Division, Baramati in the Special Civil Suit No. 184 of 2021. Such Application upon being filed by the Petitioners shall be decided by the learned Civil Judge Senior Division, Baramati within two weeks on its own merits before 19th July, 2021.
- (iv) Since this order is not passed on merits, all contentions of the parties are kept open.

4. In view of the above directions, the Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]