

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4527/2021

Ramesh Ghewarchand Mohta...Versus...Laxmid devi Prakash Buty and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. P.D.Sharma, Advocate for petitioner
Mr. V.V.Bhangde, Advocate for respondent Nos. 1, 2(i) , 2(ii) and 3
Ms. Bhatiya, Advocate h/f Mr. R.R.Shrivastava, Advocate Respondent No.4

CORAM : AVINASH G. GHAROTE, J.

DATE : 07/12/2021

Heard Mr. Sharma, learned counsel for the petitioner, Mr. Bhangde, learned counsel for Respondent Nos. 1 to 3 and Ms. Bhatiya, learned counsel for Respondent No. 4.

Mr. Bhangde, learned counsel for Respondent Nos. 1 to 3 submits that he has no objection for the petitioner being joined as party respondent in the appeal and the party respondent filing written notes of argument before the appellate Court, which would mean that the application at Exh. 67 & 68 would stand allowed by quashing the impugned order passed thereupon, as well as the application under Order 1 Rule 10 of CPC filed by the petitioner being allowed. Ms. Bhatia, learned counsel for Respondent No.4 is also agreeable to the same.

Considering the above statements, Mr. Sharma, learned counsel for the petitioner, on instructions, submits that on being added as a party respondent in the appeal, the petitioner will submit his written notes of argument within one week, whereupon the learned Appellate court may finally decide the matter within a period of 15 days thereafter.

Considering the above statement made on instructions and accepting them, the petition is allowed. The impugned order below Exh,. 67 and 68 are hereby quashed and set aside. The application for impleading the petitioner as a party respondent in the appeal is directed to be allowed by the learned Appellate Court, in view of the statement made above, by passing a formal order in that regard. The said amendment be carried out on the same day of the passing of the said formal order. The petitioner shall not be entitled to any notice from the appellate Court and undertakes to remain present before the appellate Court, considering which all the parties are directed to appear before the appellate Court on 9.12.2021, on which date the matter is already fixed.

The petitioner shall file his written notes of argument before the appellate Court by 16.12.2021 consequent to which, the learned appellate Court shall finally hear the parties and decide the matter within 15

days therefrom. The petition is disposed of in terms of the statement made by the learned counsel for respondent as recorded above.

JUDGE

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