

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

**CIVIL APPLICATION (ST) NO. 30655 OF 2018
IN
REJECTED CASE NO. 1310 OF 2010**

Smt. Kamlabai Shankar Wadekar and Ors. ...Applicants
vs.
Tarabai Shivaji Wadekar C/o – Shivaji
Godambe ...Respondent

**ALONGWITH
INTERIM APPLICATION NO. 17458 OF 2022
IN
REJECTED CASE NO. 1310 OF 2010**

Ganesh Vilas Wadekar and Ors. ...Applicants
vs.
Tarabai Shivaji Wadekar and Ors. ...Respondents

**ALONGWITH
INTERIM APPLICATION NO. 17448 OF 2022
IN
REJECTED CASE NO. 1310 OF 2010**

Tarabai Shivanti Wadekar (since
Decd. Thr. Lrs) ...Applicants
vs.
Kondiba R. Wadekar (Decd. Thr.
LRS) Rangubai K. Wadekar (Decd.
Thr. LRs) Arun Kondiba Wadekar and Ors. ...Respondents

**ALONGWITH
WRIT PETITION NO. 13413 OF 2018**

Kondiba Raghunath Wadekar
(Decd. Thr. LRS) and Ors. ...Applicants
vs.
The State of Maharashtra Thru GP,
High Court and Ors. ...Respondents

Mr. P. B. Shah a/w Sandeep Patade i/by Mr. Kavyal P. Shah - Advocate for the Applicants/Appellants

Mr. C. D. Mali – AGP for the State in WP

Ms. Darshana Kambli i/by Mr. Santaram Tarak - Advocate for the Respondent Nos. 4 and 5 in WP 13413 of 2018

Adhik Kadam i.e. Rahul Kadam – For Respondent Nos. 16a, 16b, 16c.

CORAM : S. M. MODAK, J.

DATE : 19th AUGUST, 2022

P. C. :-

1. Heard learned Advocate for the Applicants/Appellants.
2. Learned Advocate for the Respondent Nos. 4 and 5/Original plaintiffs seeks time to file reply.
3. Learned Advocate Shri Shah for the Applicants opposed the dilatory tactics played by those Respondents.
4. My attention is invited to an Order dated 04/04/2022 passed in Writ Petition No. 13413 of 2018. Para No. 3 records that Mr. Kadam and Mr. Tarale waive notice in pending Interim Application and assured their appearances.
5. It is submitted that till today Vakalatnama is not filed. Last chance is granted to Respondent Nos. 4 and 5 to file Vakalatnama and reply if any. If it not filed on the next date, the Court will proceed with the matter on the basis of the available record.

6. It is submitted that except Respondent Nos. 4 and 5 other Respondents are the defendants before the Trial Court and they are not contesting.

7. The Applicant is permitted to reconstruct the record of the Second Appeal as record is already destroyed by the office by the passage of time.

WRIT PETITION NO. 13413 OF 2018

8. It is submitted that present Petitioners are the defendant Nos. 2 and 3 and there was partition decree passed by the First Appellate Court.

9. The Second Appeal preferred by these Petitioners was dismissed by learned Registrar (Finance and Budget) for non removal of office objection on 11/11/2009 at page no. 19.

10. An Interim Application is for recalling the said Order. It is submitted that the present plaintiffs sought amendment of the decree from the First Appellate Court and said Order is challenged by way of Writ Petition.

11. Both the matters be kept on 16/09/2022.

INTERIM APPLICATION NO. 17458 OF 2022

12. Heard learned Advocate for the Appellants.

13. Respondent No. 1 – Tarabai expired on 17/12/2018. Copy of the certificate issued by the Pimpri Chinchwad Mahanagarpalika, Pimpri Cremation ground is filed on record.

14. Respondent Nos. 2 and 3 are her only legal representatives. They

are already on record. Hence Respondent No. 1 be deleted.

15. Interim Application No. 17458 of 2022 is disposed of.

[S. M. MODAK, J.]