

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

**INTERIM APPLICATION NO.18079 OF 2022
IN
WRIT PETITION NO.3221 OF 2022**

Maruti Sambha Mane DECD.
THR. LHRs. Laxmi Maruti Mane
and Ors.

..... Applicants

Vs.

Annappa Mahadev Mane
and Ors.

....Respondents

Mr. Pradeep D. Dalvi, Advocate for the applicants.
Mr. Amol L. Dhumal, Advocate for respondents no.1 to 5.
Mr. Yuvraj Gharal, Advocate for respondent no.6 and for petitioner
in Writ Petition (St.) No. 4313/2022.

CORAM: SANDEEP K. SHINDE, J.

DATED : SEPTEMBER 13, 2022

P.C.

1. Pending petition, petitioner no.1 passed away on 26th March, 2022. This application is moved to bring his legal representatives on record. Application has been filed within time. It is therefore granted and allowed in terms of prayer clause (a).

2. Petitioner to carry out consequential amendments forthwith.

(SANDEEP K. SHINDE J.)

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1. Heard learned Counsel for the parties.
2. Prima-facie the observations in para-11 of the impugned order to the effect that, Mahadeo, predecessor-in-title of the petitioner was the 'only' tenant cultivating the land in question, is de-horse the evidence on record. On the contrary, evidently, in all previous proceedings, under Section 32G of the Bombay Tenancy and Agricultural Lands Act, Mahadev, at no point of time, contended that, he was the, sole tenant, on tiller's day. In consideration of these facts, prima-facie, a case is made out to grant ad-interim relief in terms of prayer clause (b). Learned Counsel appearing for

Rane

respondents no.1 to 5 may file his reply within three weeks from today with advance copy to the Counsel for the petitioner in both the petitions.

3. Mr. Dhumal, waives notice on behalf of respondents no.1 to 5.
4. List the petition for further consideration on 16th December, 2022.

(SANDEEP K. SHINDE J.)