

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

**CIVIL APPLICATION NO. 70 OF 2021
IN
WRIT PETITION NO. 3252 OF 2006**

Smt. Sumantai Shamrao Borse and Ors. ...Applicants

vs.

Shri Madhavrao Bhagwatrao Rajebahadur
Decd. Thru LHR and Ors. ...Respondents

Mr. Pramod N. Joshi - Advocate for the Petitioners and Applicants in
CAW and Interim Application.

Mr. Rajan S. Pawar - AGP for the Respondent Nos. 1 to 3

Mr. S. S. Patwardhan – Advocate for the Respondent Nos. 4 and 5.

**CORAM : R. D. DHANUKA AND
S. M. MODAK, JJ.**

**DATE : 12th JANUARY, 2022
(Through Video Conference)**

P. C. :-

By this Civil Application, the Applicants prayed for an impleadment in Writ Petition No. 3252 of 2006.

2. It is the case of the Applicants that the land of the Petitioner and other owners are the subject matter of the Award No. 54 of 1995. The said award has already been set aside by this Court by judgment dated 28/02/2019 passed in Writ Petition No. 430 of 2009.

3. The learned counsel for the Applicants submits that Award passed in favour of the Petitioner and other owners has been set

aside by this Court in Writ Petition No. 430 of 2009.

4. The Applicants have not filed a separate Writ Petition for similar reliefs. However, the award is common and land of the Applicants and the Petitioner as well as other owners was the subject matter of the said Award which has been set aside by this Court. We therefore allow impleadment of the Applicants as Petitioner No. 3 onwards.

5. Civil Application No. 70 of 2021 is allowed in aforesaid terms.

6. The Petitioners are directed to carry out the amendment within two weeks from today. Amended copy of the Writ Petition shall be served upon the Respondents within two weeks from the date of carrying out amendment.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]