

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

WRIT PETITION NO.2763 OF 2019

Pradeep Maruti Dhore and Ors.

..Petitioners

Versus

Kusum Pandurang Wabale

Since deceased through legal heirs

Sou. Manisha Sunil Dhane and Ors.

..Respondents

WITH

WRIT PETITION STAMP NO.97968 OF 2020

Late Kusum Pandurang Vabale

Through legal heirs

Sau. Manisha Sunil Dhane and Ors.

..Petitioners

Versus

Bhaskar Maruti Dhore

Since deceased through legal heirs

Hemlata Bhaskar Dhore and Ors.

..Respondents

Mr. Sugandh Deshmukh a/w Irvin D'souza, for the Petitioners in WP No.2763 of 2019.

Dr. Abhinav D. Chandrachud a/w Pravin S. Patil i/by Lalit Jhunjhunwala, for the Petitioners in WPST No.97968 of 2020 & for Respondent Nos.1A to 1C in WP No.2763 of 2019.

Mr. Avinash B. Avhad, for Respondent No.2 in WP No.2763 of 2019 & for Respondent No.10 in WPST No.97968 of 2020.

CORAM : NITIN W. SAMBRE, J.

DATE : 15th FEBRUARY, 2022

PC.

1. In response to the argument of Dr. Abhinav

Chandrachud, Mr. Sugandh Deshmukh, learned counsel for the original plaintiff in RCS No.154 of 2007 concedes that he has no objection as an appellant for impleadment of legal heirs of defendant No.5 and he shall carry out appropriate amendment to the cause-title to the appeal within a period of two weeks from today so as to facilitate the legal heirs of defendant No.5 voluntarily appear in the said appeal.

2. In that view of the matter, both these petitions stand disposed of.

3. Needless to clarify that no separate notice be served on legal heirs of defendant No.5 and they shall be at liberty to appear in the appeal.

4. Pending appeal being Appeal No.517 of 2011 transferred to the Appellate Court at Wadgaon Maval against the judgment and decree passed in RCS No.154 of 2007 dated 27th June, 2011 is directed to be decided expeditiously, in any case, within a period of four months from today.

5. Needless to clarify that disposal of both these petitions shall not prejudice rights of either of the parties to the appeal.

6. The appeal is directed to be decided expeditiously without being uninfluenced by the disposal of the present petitions.

7. Needless to further clarify that if the appeal is decided, execution proceedings shall remain stayed.
8. Till then the petitioners/plaintiffs shall not create any third party rights during pendency of the appeal.

[NITIN W. SAMBRE, J.]