

Kiran

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

**INTERIM APPLICATION NO.2169 OF 2019
IN
WRIT PETITION NO.5346 OF 2019**

Ambadas Dnyanoba Shetphalkar (Decd.)
Through LRs ... Applicant/Petitioner
Versus
Rukminibai Baburav Wakharkar & Ors. ... Respondents

Mr. Sagar Joshi for the Applicant/Petitioner.

CORAM : S. M. MODAK, J.

DATE : 15th JULY 2022

P.C. :

IN INTERIM APPLICATION NO.2169 OF 2019

1. Heard the learned advocate for proposed legal representatives of deceased sole Petitioner. The Petitioner expired on 16th August, 2019, a copy of death certificate is annexed. He expired after filing of Writ Petition but prior to getting any order on the Writ Petition, this Court has ordered issuance of notice on 5th February 2021. The service report is awaited.
2. Today, it is submitted by learned advocate for proposed legal representatives that as such notice on this Application is not required for the Respondents. The Application is filed in time. It is also submitted that the Petitioner was the Plaintiff before the Trial Court and necessary Applications are also moved before the Trial Court, as such Defendants/ Respondents must be aware about the same. Hence Interim Application is allowed. Necessary amendment be carried out within 14 days.

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3. Heard the learned advocate for the Petitioner.
4. It is contention of the Petitioner that temporary injunction was rejected by the trial Court. It was confirmed by the First Appellate Court. The order of the Appeal was challenged in this Writ Petition.
5. Issue notice before admission to the Respondents, returnable 12th September 2022. Notice to be issued after the amendment is carried out as per the order passed today in Civil Application No.2169 of 2019.

(S. M. MODAK, J.)