

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 1321 OF 2022
IN
WRIT PETITION NO. 389 OF 2022

Vilas S/o Shriram Dange

-- Petitioner

Vs.

Gaurkarnabai w/o Ramdas Solanke & Anr.

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S. Sharma, Advocate for Petitioner

Ms. T.H. Khan, AGP for Respondent - State

CORAM : MANISH PITALE, J.

DATE : 22nd JUNE, 2022

During pendency of the petition, the petitioner expired on 01/05/2022, due to which the present application has been moved by the applicant for bringing their names on record to represent the interest of deceased petitioner.

2. For the reasons stated in the application, the application is allowed and the applicants are directed to be brought on record, to represent the interest of deceased petitioner. Amendment to be carried out forthwith.

3. The learned counsel for the petitioner submits that in the present case, the impugned order restoring the land in

favour of the respondent No.1 could not have been passed, for the reason that sufficient material about tribal status of respondent No.1 was not placed on record. The sale deed is of the year 1998 and, therefore, this Court is of the opinion that *prima facie* case is made out.

4. Issue notice to the respondents, returnable on 05/08/2022.

5. Ms. T.H. Khan, learned Assistant Government Pleader waives service for respondent Nos.2 to 4.

6. In the meanwhile, there shall be ad-interim relief in terms of prayer clause (b).

JUDGE