

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6479 OF 2021

Indubai Vishnu Mohite & Anr.

.. Petitioners

Versus

~~Jagannath Maruti Mane~~

(since deceased) through LRs.

Vijay Jagannath Mane & Ors.

.. Respondents

-
- Mr. Kuldeep Nikam a/w Mr. Prasad Avhad for Petitioners
 - Mr. Abhinandan Vagyani and Mr. Pankaj Kandhari i/by Mr. Pankaj Kandhari for Respondents
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 10, 2023

P.C.:

1. Heard Mr. Nikam, learned Advocate for Petitioners and Mr. Vagyani, learned Advocate for Respondents for some time.

2. The issue in the present case concerns the authority of the Petitioners to file affidavit of service in the suit proceedings being the power of attorney of the original Plaintiff. Both the learned Advocates are ad idem that the directions of the Supreme Court in the case of **Janki Vashdeo Bhojwani & Anr. Vs. Indusind Bank Ltd & Ors¹**, would cover the field. However, Mr. Nikam, learned Advocate for Petitioners has made two submissions namely the Petitioners have filed a fresh Application seeking impleadment in the said proceedings being the legal representatives of the Plaintiff and secondly that the said

proceedings have been instituted in the year 2014.

3. Be that as it may, if any such Application is filed by the Petitioners, the learned Trial Court is directed to dispose of the said Application, after hearing both the parties, strictly in accordance with law. The Trial Court is further directed to dispose of RCS No. 156 of 2014 as expeditiously as possible and preferably within a period of eight months from today in accordance with law.

4. Needless to state that the Trial Court shall not be influenced by any observations made in the impugned order dated 10.12.2019 passed below Exh. 59.

5. All contentions of the parties are expressly kept open in fresh Application filed by Petitioners.

6. With the above direction, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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