

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2602 OF 2022
IN
WRIT PETITION NO.4229 OF 1999
WITH
INTERIM APPLICATION NO.2596 OF 2022

Smt. Krishnabai dhaniram Ugwekar dec.
Lhrs ashalata n. Ugawekar dec. Lhrs
rahul n. Ugawekar and ors ...Applicants
V/s.
Shri Dwarkanath Shivram Jaywant ...Respondent

Ms. Sanchita Thakur for the Applicants.
None for Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 12th SEPTEMBER, 2023

PC.:

INTERIM APPLICATION NO.2596 OF 2022

1. This interim application is filed by original Petitioner/landlord, to bring on record the proposed legal heirs of sole respondent/tenant. There is some delay in filing this Application.

2. This Court by its order dated 9th February, 2023 had issued notice to the proposed legal heirs of sole respondent. Apart

from the court notice, Advocate for Applicant is permitted to serve proposed legal heirs by Advocate's private notice, by all permissible mode and file an Affidavit of service to that effect within four weeks from today.

3. The learned Advocate for the Petitioner states that private notice has already been served on the proposed legal heirs and affidavit of service to that effect has already been filed on record.

4. The Court Board, shows notice issued to the proposed legal heirs shown that the postal tract report shown with '*item is delivered*'.

5. Today nobody is appearing for the proposed legal heirs. I have gone through the contents of the interim application and In view of law laid down in the Division Bench of this Court in ***Keshao s/o Kawadu Maral and another Versus State of Maharashtra and others***, reported in 2005 (1) MahLj 1059, the present Interim Application is allowed in terms of prayer clauses (A) and (B).

6. Amendment to be carried out within three weeks from today and learned counsel for the Petitioner to serve amended copy on the proposed legal heirs.

7. The Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.2602 OF 2022

1. This interim application is filed by the Petitioner for seeking therein to expedite hearing of the Writ Petition and the

same be placed on board for final hearing at fixed date.

2. I have gone through the submission made in the interim application, the civil suit was filed for eriction by the Petitioner-landlord in the year 1998. This Writ Petition is pending in this Court from the year 1999. According to me, a sufficient ground is made out for allowing this interim Application. Accordingly, this matter be placed under captioned of 'final hearing' in the week commencing from 30th October, 2023.

3. The Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)