



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

**INTERIM APPLICATION NO.1876 OF 2022
IN
CIVIL REVISION APPLICATION NO.409 OF 2016**

Dhanottam Vasant Lonkar trustees of
Omkareshwari Mahadeo Devasthan Applicant
Vs.
Gangadhar Vasant Lonkar and Ors. Respondents

Mr. Aniesh Jadhav a/w. Vidya Chaudhari i/b Thakordas &
Madgavkar for the Applicant.
Mr. S. S. Patwardhan for Respondent No.7.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 17 AUGUST 2023.

P. C.

1. At the outset learned counsel appearing for respondent No. 7 submits that interim application itself is not maintainable as the same has been filed under the provisions of Order 1 Rule 10 of CPC for impleading the legal heirs of the deceased respondents-judgment debtors being respondent Nos.4A and 4B, 6A, 7A, 7B, 7C, 10A and 10B. He would further submit that a composite application has been made for impleading the legal heirs of deceased respondents whereas a separate application is required to be made considering that the period of delay in each case is

different. He would further submit that a prayer is required for setting aside abatement which has not been made.

2. Learned counsel for the applicant fairly conceded that the application is not maintainable and seeks permission to withdraw the application with liberty to file afresh.

3. Interim application is permitted to be withdrawn with liberty as prayed. Interim Application stands disposed of.

SHARMILA U. DESHMUKH, J.