

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5390 OF 2022

Madhukar A. Bhoir & Others.

...Petitioners.

Versus

Baddrudin Abbas Patel.

..Respondent.

Mr. Kishor Patil i/b Mr. Amol Mhatre for the petitioner.

Mr. G. S. Godbole, Senior Advocate with Mr. Sumit Kothari, Mr. Guarav Gopal, Mr. Mohit Goyal i/b Wadia Gandhi & Co., for the respondent.

Coram : Sharmila U. Deshmukh, J.

Date : July 6, 2023.

P. C. :

1. This writ petition can be disposed of by directing the petitioner to file a fresh application seeking impleadment of the subsequent transferees along with consequential amendments. During the hearing, this court noted that in the application seeking impleadment of parties, the proposed defendants were not made party to the application and were not heard in the matter. In that view of the matter, as the proposed defendants were not heard, it is in the fitness of things that the writ petition be disposed of with liberty to the petitioner to file a fresh application by impleading the proposed defendants as party to the application. Learned counsel for the

petitioner submits within a period of one week from today, a fresh application would be filed. The trial court to consider the said application without being influenced by the observations made by it in its order dated 23rd February 2022.

2. Writ petition stands disposed of in above terms.

3. In view of the disposal of writ petition, nothing survives for consideration in the Interim Application No.19457 of 2022 and the same stands disposed of.

[Sharmila U. Deshmukh, J.]