

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

WRIT PETITION NO.2551 OF 2023

Ketan Rajesh Bhoir

.....Petitioner

Versus

Smt. Sulochana Bhalchandra Patil

and others

.... Respondents

Mr. Drupad Patil, Advocate a/w. Bhavik Lalan a/w. Rituraj Kulkarni i/b. Sudip Mallick, for the Petitioner.

Mr. Atul Singh, Advocate a/w. Viral Rathod i/b. Saima Sothe, for Respondent Nos.7, 9, 12, 13, 15 & 21.

Mr. Mayur Khandeparkar, Advocate a/w. Disha Shetty, M. Bagsaria i/b. Wadia Ghandy and Co. for Respondent No.62.

Mr. P.G. Sawant, AGP for the Respondent No.50-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th MARCH, 2023

P.C. :

1. Learned counsel for the Respondent No.62 points out that the Petitioner's application under Order 22 of C.P.C. for substituting himself as heir of the Plaintiff No.14 is still pending and till said application is decided this Writ Petition is not maintainable.

2. Learned counsel for the Petitioner submits that

directions be issued to the trial Court to decide his application under Order 22 of C.P.C. expeditiously and within a time bound manner. Once that application is decided the Petitioner be given liberty to take appropriate proceedings in accordance with law keeping all the contentions raised in the Writ Petition open. With such liberty, learned counsel for the Petitioner, on instructions, seeks leave to withdraw this Petition.

3. Permission is granted. The Petition is allowed to be withdrawn. The Trial Court is directed to decide the Petitioner's application for bringing himself on record as heir of the Plaintiff No.14 within a period of four weeks from today. All the questions raised in this Petition are left open. After decision of that particular application, the Petitioner is at liberty to take out appropriate proceedings in accordance with law. With these directions, the Petition is disposed of.

(SARANG V. KOTWAL, J.)

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