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

WRIT PETITION NO.2280 OF 2023

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Ketan Rajesh Bhoir

... Petitioner

V/s.

Sulochana Bhalchandra Patil & Ors.

... Respondents

Mr. Drupad S. Patil i/by Mr. Sudip Mallick for the
petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 30, 2023

PC.:

- 1.** The writ petition is filed by the heirs and legal representative of original plaintiff No.14. The facts are peculiar which needs to be noted as the writ petition is filed after ten years of passing of the impugned order.
- 2.** The petitioner applied before the Competent Court for declaring that plaintiff No.14 being not heard for more than seven years. Regular Civil Suit No.890 of 2019 seeking such declaration was decreed on 23 June 2022. Therefore, right to claim raised by original plaintiff No.14 accrued to the petitioner on 23 June 2022.
- 3.** Learned advocate for the petitioner fairly states that after filing of the writ petition, the petitioner has applied before the Civil Court for impleading him as legal representative of original

plaintiff No.14. Therefore, it will be open for the petitioner to apply before the Trial court for seeking recall of order dated 8 October 2013 passed below Exhibit-266.

4. The writ petition is, therefore, disposed of by granting liberty to the petitioner to apply before the Trial Court for recall of order passed below Exhibit-266 dated 8 October 2013.

5. It is made clear that this Court has not considered merits of the impugned order and the Trial Court shall decide the application filed by the present petitioner in accordance with law.

6. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)