

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1994 OF 2015

Govindlal Ganeshlal Didwani And Others

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner No.1 : Mr. Gastgar S.B.

Advocate for Petitioner No.2 : Mr. Kute Rajendra L.

AGP for Respondent/State : Mr. S.N. Kendre

Advocate for Respondent Nos.10 to 13 : Mr. S.N. Patne

Advocate for Respondent No.5 : Mr. Shrikant Kulkarni

WITH

CIVIL APPLICATION NO. 16516 OF 2022

IN WP/1994/2015 WITH

CIVIL APPLICATION NO. 5012 OF 2018

IN WP/1994/2015 WITH

CIVIL APPLICATION NO. 9108 OF 2023

IN WP/1994/2015

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CORAM : S.G. MEHARE, J.

DATED : APRIL 30, 2024

PER COURT:-

1. The parties have produced the settlement terms before the Court. However, other legal heirs of deceased Rama and brothers and other relatives of deceased respondent No.5 – Raghunath have filed an application for intervention. They have claimed that they also have the interest in the suit land.

2. Learned counsel for the intervenors submits that deceased respondent No.5 - Raghunath was their brother. Their father Rama was the original tenant. After his death, Raghunath and

his mother Rajubai were pursuing the matter. Rajubai died during the pendency of the petition before the Maharashtra Revenue Tribunal. However, her legal heirs were not brought on record. The applicants have recently learnt about the proceeding. Hence, they have filed the application.

3. Learned counsel for the legal heirs of Raghunath submits that since last five years, the intervenors never whispered about their right in the suit land. Raghunath was pursuing the matter. He was the independent tenant of the suit land. Therefore, the intervenors have no right to intervene.

4. After hearing the respective counsels, there appears a dispute about the legal heirship and inheritance of the tenancy. There were two tenants by a similar name Rama. Therefore, the parties interested in the petition have been granted liberty to file the affidavit in reply to the intervention application. The intervenors are directed to produce the legal heirship from the competent Court of law by the next date and submit their family tree.

5. All the parties to the compromise deed are present in the Court. The compromise deed be made the part of record.

6. After deciding the issue of the legal heirship of respondent no.5 – Raghunath, appropriate orders about acceptance or rejection of the compromise would be passed and for that purpose,

the signatory to this compromise deed may not be required to attend the Court, if any exigency arises.

7. In the meantime, the Registrar (Judicial) to verify the compromise deed as per his convenience without disturbing his regular work.

8. Stand over to 02.07.2024.

9. Leave granted to correct the status of the parties and carry out the amendment in Civil Application No.16516 of 2022. Amendment be carried out forthwith. If the amendment is not carried out, the application would be treated as rejected.

(S.G. MEHARE, J.)