



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**913 CIVIL APPLICATION NO. 4672 OF 2024
IN WP/4108/1999**

Baitulbee Sayed Madar Died Thr Lrs Sayed Died Lrs Syed
Mohammadi Begum And Ors

VERSUS

Gangabai Haribhau Vaidya Died Thr Lrs Jija And Ors

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Advocate for Applicant : Mr. T K Sant h/f P P Mandlik

Advocate for Respondents : Mr. H. V. Tungar For R/11,3,6-11
In W.P.

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 21, 2024

PER COURT :-

1. By this application, the prayer is made to permit legal heirs of petitioner no.4-1 to be brought on record of writ petition no.4108 of 1999. Prayer is also made to condone the delay of 704 days caused in filing the application.

2. Mr. Tungar, learned advocate appearing for the respondents vehemently opposed the prayer contending that in a suit from which present proceeding arises, L.Rs of deceased are not brought on record. Consequently, the proceedings in the suit is abated so far as deceased is concerned. He would submit that present proceeding being reference under section 99-A of the Hyderabad Tenancy and Agricultural Lands Act, 1950 Act (for short the Act) cannot be given independent status than the suit. As such present application cannot be entertained.

3. Pertinently, in pursuance of section 99 of the Act, once issue as regards to tenancy is referred; that requires to be decided independently by the Competent Authority under the provisions of the Tenancy Act. The Civil Court does not possess jurisdiction to control such proceeding. Therefore, proceedings in reference has independent status. Therefore, only because L.Rs are not brought on record of pending suit, there cannot be impediment to move application in this proceeding seeking permission to bring on record the Legal representatives of deceased party.

4. In that view of the matter and after considering the reasons as stated in the application, civil application deserves to be allowed in terms of prayer clauses 'B and C'. Amendment to be carried out within a period of two weeks' from today. Civil application stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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aaa/-