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

WRIT PETITION NO. 9261 OF 2019

Ramesh Nagesh Bhat and Ors.

.. Petitioners

Versus

Bharati Vishram Bhat and Ors.

.. Respondents

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- Ms. Kausar Banatwala a/w. Ms. Neuty N. Thakkar and Mr. Jay Vyas i/by Tushar Goradia for the Petitioners.
 - Mr. Vilas B. Tapkir, Advocate for Respondent No.1.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 12, 2024.

P.C.:

1. Heard Ms. Banatwala, learned Advocate for Petitioners and Mr. Tapkir, learned Advocate for Respondent No.1 at length and perused the pleadings.

2. The order impugned before me is passed on 17.01.2018 in Application filed by Respondent No.1 claiming to be the wife of original Plaintiff in Regular Civil Suit No.31 of 2009.

3. Both the learned Advocates would request the Court that the impugned order dated 17.01.2018 be set aside by consent and reserving liberty to Respondent No.1 to prove before the learned Trial Court her case as wife of the deceased Plaintiff for seeking impleadment to the Suit proceedings in accordance with law.

4. In view of the above, the learned Trial Court is directed to hear, adjudicate and decide Application filed below Exhibit “99” by the Petitioners under Order XXII Rule 5 of the Civil Procedure Code, 1908 (for short “**CPC**”) after permitting both the parties to adduce substantive evidence in support of their respective case.

5. It is clarified that, this Court has not opined on any merits of the matter as also not gone into any facts in the present case.

6. Once the decision in the aforesaid proceedings is determined, appropriate directions for impleadment and amendment to the Suit proceedings as legal heirs of the original Plaintiff in Suit No.31 of 2009 shall be passed by the learned Trial Court.

7. At the request of both the learned Advocates, the learned Trial Court seized with the Suit proceedings is directed to complete the above enquiry in the Application below Exhibit “99” and the enquiry under Order XXII Rule 5 of the CPC as expeditiously as possible and preferably within a period of eight (8) months from today strictly in accordance with law.

8. The learned Trial Court is directed not to grant any unnecessary adjournments to the parties unless absolutely necessary.

- 9.** Parties are directed to cooperate with the Trial Court for expeditious disposal of the Suit proceedings.
- 10.** All contentions of the parties are expressly kept open before the learned Trial Court.
- 11.** With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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