

Ajay

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

CIVIL REVISION APPLICATION NO. 409 OF 2016

Dhanottam Vasant Lonkar and Anr. .. Revision Applicants
Versus
Gangadhar Vasant Lonkar and Ors. .. Respondents

**WITH
CIVIL APPLICATION NO. 143 OF 2018
IN
CIVIL REVISION APPLICATION NO. 409 OF 2016**

Dhanottam Vasant Lonkar and Anr. .. Revision Applicants
Versus
Gangadhar Vasant Lonkar and Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 490 OF 2023
IN
CIVIL REVISION APPLICATION NO. 409 OF 2016**

Dhanottam Vasant Lonkar .. Applicant
IN THE MATTER BETWEEN
Dhanottam Vasant Lonkar and Anr. .. Applicants
Versus
Gangadhar Vasant Lonkar and Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 17767 OF 2023
WITH
INTERIM APPLICATION NO. 17768 OF 2023
WITH
INTERIM APPLICATION NO. 17769 OF 2023
WITH
INTERIM APPLICATION NO. 17771 OF 2023
WITH
INTERIM APPLICATION NO. 17765 OF 2023
IN
CIVIL REVISION APPLICATION NO. 409 OF 2016**

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- Mr. Aniesh Jadhav a/w. Ms. Vidya Chaudhari i/by Thakordas Madgavkar for the Applicants.
 - Mr. Akshay Hardas i/by Mr. S.S. Patwardhan, Advocate for Respondent No.7.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 03, 2024.

P.C.:

1. Heard Mr. Jadhav, learned Advocate for the Revision Applicants and Mr. Hardas, learned Advocate for Respondent No.7.

2. There are 7 interlocutory proceedings filed before me which are required to be disposed in the event if the Revision Applicant is to be heard.

3. Civil Revision Application was filed in the year 2016. In 2018, Civil Application No.143 of 2018 was filed for seeking amendment of the cause title to incorporate the correct address of the Respondents. It is fairly informed by Mr. Jadhav before any order is passed in the Application, that the order dated 29.11.2016 passed by the learned Registrar (Judicial) of this Court will have to be set aside since it was a conditional order of which non-compliance led to the dismissal of the Suit as against Respondent Nos.1, 2, 4, 5A, 5B and 7 to 9 without further reference to the Court. He would submit that one of the relief sought for in the Interim Application No.143 of 2018 is for setting aside of the order dated 29.11.2016 as also for setting aside of the abatement, if any, in view of the said order.

4. He would submit that one of the principal reason for non-compliance of the order was that despite having effected service on the

contesting Respondents, in view of their incorrect address the said service could not be fructified.

5. I have perused the pleadings in Civil Application No.143 of 2018. Before the other 6 interlocutory Applications are adverted to, this Civil Application is required to be dealt with.

6. For the reasons mentioned in the Civil Application, Civil Application No.143 of 2018 stands allowed. The abatement, if any, stands quashed and set aside. The Revision Applicants are permitted to serve the contenting Respondents afresh. Service of the Civil Revision Application No.409 of 2016 shall be made afresh on all the Respondents by the Applicants.

7. Needless to state that order dated 29.11.2019 stands quashed and set aside.

8. Necessary amendment to be carried out within a period of two weeks from today. Re-verification stands dispensed with. Revision Applicants are directed to carry out the amendment in view of the fact that Civil Revision Application will have to be served afresh on the Respondents.

9. With the above directions, Civil Application No.143 of 2018 is allowed and disposed.

INTERIM APPLICATION NO. 490 OF 2023

10. This Interim Application has been filed by the Applicant for bringing the legal heirs of deceased Respondent No.3 on record. Deceased Respondent No.3 has expired on 31.07.2022. Interim Application has been filed within time by the Revision Applicant. There is no delay. The names of the legal heirs are mentioned in paragraph No.8 of the Interim Application.

11. Perused the Interim Application.

12. For the reasons mentioned in the Interim Application, Interim Application stands allowed. Amendment to be carried out within a period two weeks from today. Re-verification stands dispensed with. Copy of the amended Civil Revision Application be served on the other side within one week thereafter.

13. With the above directions, Interim Application No.490 of 2023 is disposed.

INTERIM APPLICATION NO. 17767 OF 2023

14. This Interim Application has been filed by the Applicant for seeking impleadment of the legal heirs of deceased Respondent No.10 who expired on 29.09.2021. There is a delay of 129 days in filing the Interim Application. The details of the legal heirs are stated in paragraph No.6 of the Interim Application.

15. I have perused the Interim Application.

16. For the reasons mentioned in the Interim Application, Application stands allowed. Delay of 129 days stands condoned. Amendment to be carried out within a period of two weeks from today. Re-verification stands dispensed with. Copy of the amended Civil Revision Application be served on the other side within one week thereafter.

17. Interim Application No.17767 of 2023 is disposed.

INTERIM APPLICATION NO. 17768 OF 2023

18. This Interim Application has been filed by the Applicant for seeking impleadment of the legal heirs of deceased Respondent No.6 who expired on 11.10.2018. There is a delay of 1213 days in filing the Interim Application. The details of the legal heirs are stated in paragraph No.6 of the Interim Application.

19. I have perused the Interim Application.

20. For the reasons mentioned in the Interim Application, Application stands allowed. Delay of 1213 days stands condoned. Amendment to be carried out within a period of two weeks from today. Re-verification stands dispensed with. Copy of the amended Civil Revision Application be served on the other side within one week thereafter.

21. Interim Application No.17768 of 2023 is disposed.

INTERIM APPLICATION NO. 17765 OF 2023

22. This Interim Application has been filed by the Applicant for seeking impleadment of the legal heirs of deceased Respondent No.4 who expired on 09.09.2017. There is a delay of 1647 days in filing the Interim Application. The details of the legal heirs are stated in paragraph No.6 of the Interim Application.

23. I have perused the Interim Application.

24. For the reasons mentioned in the Interim Application, Application stands allowed. Delay of 1647 days stands condoned. Amendment to be carried out within a period of two weeks from today. Re-verification stands dispensed with. Copy of the amended Civil Revision Application be served on the other side within one week thereafter.

25. Interim Application No.17765 of 2023 is disposed.

INTERIM APPLICATION NO. 17769 OF 2023

26. This Interim Application has been filed by the Applicant for seeking impleadment of the legal heirs of deceased Applicant No.2 who expired on 26.02.2021. There is a delay of 354 days in filing the

Interim Application. The details of the legal heirs are stated in the Interim Application.

27. I have perused the Interim Application.

28. For the reasons mentioned in the Interim Application, Application stands allowed. Delay of 354 days stands condoned. Amendment to be carried out within a period of two weeks from today. Re-verification stands dispensed with. Copy of the amended Civil Revision Application be served on the other side within one week thereafter.

29. Interim Application No.17769 of 2023 is disposed.

INTERIM APPLICATION NO. 17771 OF 2023

30. This Interim Application has been filed by the Applicant for seeking impleadment of the legal heirs of deceased Respondent No.7 who expired on 02.09.2019. There is a delay of 887 days in filing the Interim Application. The details of the legal heirs are stated in paragraph No.4 of the Interim Application.

31. I have perused the Interim Application.

32. For the reasons mentioned in the Interim Application, Application stands allowed. Delay of 887 days stands condoned. Amendment to be carried out within a period of two weeks from today.

Re-verification stands dispensed with. Copy of the amended Civil Revision Application be served on the other side within one week thereafter.

33. Interim Application No.17771 of 2023 is disposed.

34. List the Civil Revision Application on Board on **31st January, 2024.**

[MILIND N. JADHAV, J.]

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Digitally signed by
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