

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10371 OF 2023

Ayurvidya Prasarak Mandal

.. Petitioner

Versus

Dillip Nagesh Katke and Ors.

.. Respondents

APPEAL FROM ORDER (ST.) NO.17670 OF 2023
WITH
INTERIM APPLICATION NO.14059 OF 2023
WITH
INTERIM APPLICATION (ST.) NO.17672 OF 2023

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- Mr. Vikramjit Garewal a /w. Ms. Grishma Lad and Ms. Shruti Mishra, Advocates for Petitioner.
 - Mr. Sanjay N. Dhadam a/w. Mr. Shailesh Redekar, Advocate for Respondent No.1.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 22, 2024

P.C.:

1. Heard Mr. Garewal, learned Advocate for Petitioner and Mr. Dhadam, learned Advocate for Respondent No.1.

2. The impugned order dated 04.05.2023 passed in Chamber Summons No.870 of 2023 does not stand to test in view of the Division Bench order passed by this Court in the case of *Ashok Babulal Avasthi V/s. Munna Nizamuddin Khan and Another*¹. Challenge to the said order has been rejected by the Supreme Court by its order dated 12.02.2024.

3. In view of the above, the impugned order is not sustainable and it is quashed and set aside. Impleadment of the Petitioner stands

1. Writ Petition No.6933 of 2022 decided on 29.11.2023

allowed. Resultantly Chamber Summons No.870 of 2023 stands allowed. The Plaintiff is directed to implead and carry out the amendment of impleadment of the Petitioner as Defendant No.3 in the suit proceedings within a period of two weeks from today strictly in accordance with law.

4. Learned Trial Court is directed to permit the Plaintiff to carry out amendment and proceed with the proceedings in Long Cause Suit (Stamp) No.4819 of 2023 strictly in accordance with law.

5. With the above directions Writ Petition is allowed and disposed.

6. In view of the order passed in Writ Petition No.10371 of 2023, the directions contained in order dated 06.05.2023 shall now apply to the Defendant No.3. In that view of the matter, no order is required to be passed in Appeal from Order (Stamp) No.17670 of 2023. Appeal from Order (Stamp) No.17670 of 2023 is accordingly disposed of without dealing with or adjudicating the order dated 06.05.2023. The order dated 06.05.2023 is sustained.

7. In view of the disposal of Writ Petition and Appeal from Order (Stamp) No.17670 of 2023, Interim Application No.14059 of 2023 and Interim Application (Stamp) No.17672 of 2023 are also accordingly disposed.