

Nikita

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

WRIT PETITION NO.8268 OF 2022

Devidas Krushnaji Deshpande ... Petitioner

V/s.

Arun Madhav Kokate and Ors. ... Respondents

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Date: 2024.02.12
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WITH

INTERIM APPLICATION NO.10447 OF 2022

IN

WRIT PETITION NO.8268 OF 2022

Arun Madhav Kokate and Ors. ... Applicants

V/s.

Devidas Krushnaji Deshpande ... Respondent

WITH

INTERIM APPLICATION NO.12735 OF 2023

IN

WRIT PETITION NO.8268 OF 2022

Deveidas Krushnaji Deshpande deceased
through LHRs Prabha Devidas
Deshpande and Ors. ... Applicants

V/s.

Arun Madhav Kokate and Ors. ... Respondents

Mr. Lakshyaved R. Odhekar for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the State-Respondent
No.16.

Mr. Nilesh N. Bhagwat for the Applicant in
IA/10447/2022.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2024

PC.:

1. Time to carry out the amendment is extended by two weeks from today.
2. The petitioner is challenging the order dated 23rd May 2018 passed by Tahsildar in a proceedings under the provisions of Bombay Tenancy and Agricultural Lands Act, 1948. By the impugned order, the Tahsildar permitted the original applicants to add certain persons as applicant.
3. According to the petitioner, the applicants added have not furnished material to indicate their right to seek relief.
4. The order of adding such persons in the array of cause title of the application will not confer status of person having rights under the Act on the applicant. It is for the Tahsildar to adjudicate upon the rights claimed of newly added applicants along with original applicants at the time of final decision as per the provisions of the Act.
5. If the First Authority decides main application against the petitioner, it will be open for the petitioner to raise challenge to all interlocutory orders including the impugned order in substantive statutory appeal before the Appellate Authority.
6. Keeping all the questions raised by the petitioner open to be agitated in the appeal if the decision goes against the petitioner.
7. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)