

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11603 OF 2024

IN

WRIT PETITION NO. 5763 OF 2004

Runmayee Ramesh Pandit and others ... Applicants

In the matter between :

Janabai w/o. R.J. Bhandari and others ... Petitioners

V/s.

Dr. Ramesh Dattatraya Pandit and others ... Respondents

WITH

CIVIL APPLICATION NO. 12 OF 2024

IN

CIVIL APPLICATION NO. 614 OF 2016

IN

CIVIL APPLICATION NO. 548 OF 2016

IN

WRIT PETITION NO. 5763 OF 2004

Jaywant Ramchandra Bhandari ... Applicant

In the matter between :

Janabai w/o. R.J. Bhandari and others ... Petitioners

V/s.

Dr. Ramesh Dattatraya Pandit and others ... Respondents

WITH

INTERIM APPLICATION NO. 9560 OF 2024

IN

WRIT PETITION NO. 5763 OF 2004

Milind Keshav Joshi ... Applicant

In the matter between :

Janabai w/o. R.J. Bhandari and others ... Petitioners

V/s.

Dr. Ramesh Dattatraya Pandit and others ... Respondents

WITH
CIVIL APPLICATION NO. 548 OF 2016
IN
WRIT PETITION NO. 5763 OF 2004

Jaywant Ramchandra Bhandari ... Applicant

In the matter between :

Janabai w/o. R.J. Bhandari and others ... Petitioners

V/s.

Dr. Ramesh Dattatraya Pandit and others ... Respondents

WITH
CIVIL APPLICATION NO. 614 OF 2016
IN
WRIT PETITION NO. 5763 OF 2004

Jaywant Ramchandra Bhandari ... Applicant

In the matter between :

Janabai w/o. R.J. Bhandari and others ... Petitioners

V/s.

Dr. Ramesh Dattatraya Pandit and others ... Respondents

Mr. O.R. Tiwari alongwith Mr. Mohit Darji for the Petitioner/Applicant in WP-5763-2004, CA-548-2016 and CA-614-2016.

Mr. Kaustubh Thipsay alongwith Ms. Aishwarya Shinde, Advocate for the Applicant in IA-9560-2024, IA-11603-2024 and for Respondents No.1 and 2 in IA-1411-2018, IA-548-2016 and IA-614-2016.

Mr. Tejas Sangharjka alongwith Mr. Kayval Shah and Ms. Siddhali Adhikari for the Applicant in CAW-145-2014, CAW-613-2016, IA-11169-2024 in WP-5763-2004.

CORAM : ABHAY AHUJA, J.
DATE : 12 AUGUST, 2024

P.C. :

In Civil Application No. 12 of 2024 and Interim Application No. 9560 of 2024 (Not on board. Upon mentioning, the same is taken on board.) and Interim Application No. 11603 of 2024 :

1. These Applications preferred on behalf of the legal heirs of deceased Respondents No.1 and 2 seeks to bring on record the legal heirs of deceased Respondents No.1 and 2.

2. When the matter is called out, Mr. Thipsay submits that despite reminders, the Petitioner did not care to take out an appropriate Application to bring the heirs of deceased Respondents No.1 and 2 on record. However, Mr. Tiwari appears for the Petitioner and submits that in respect of the deceased Respondent No.1, the Petitioner had taken out Civil Application No.12 of 2024 for bringing the legal heirs of the deceased Respondent No.1 on record.

3. The learned Counsel appearing for the parties have no objection if the Applications for bringing the legal heirs of the deceased Respondents No.1 and 2 on record are allowed.

4. Accordingly, since the Petitioner has preferred Application for bringing the legal heirs of the deceased Respondent No.1 on record, the said Application is allowed in terms of prayer clauses (a) and (d), which read thus :

(a) That the abovenamed proposed Respondents No.1A, 1B, and 1C, be allowed to brought on record in

the title of the above Writ Petition and all Pending Civil Applications replacing the Original Respondent No.1.

(d) That necessary and consequential amendment in the above Writ Petition be allowed without prejudice to pending Civil Applications taken out by the Petitioners in the above Writ Petition.

5. Interim Application No.9560 of 2024 also stands allowed in terms of prayer clause (a), which reads thus :

(a) That this Hon'ble Court be pleased to pass an order directing the Petitioners to implead the legal heirs of Respondent No.2 as per the schedule as party Respondents to the present Writ Petition and amend the Writ Petition accordingly.

Civil Application No. 548 of 2016 :

6. This Civil Application is not on board. Upon mentioning, the same is taken on board.

7. Mr. Tiwari appears for the Petitioner and submits that this Civil Application seeks to bring on record the heirs of deceased Petitioner No.8. Mr. Thipsay appearing for the heirs of Respondents No.1 and 2 has no objection if the Application is allowed. Accordingly, the said Application is allowed in terms of prayer clauses (a) and (b), which read thus :

(a) That the abovenamed Proposed Petitioners No.8A, 8B, 8C and 8D, be allowed to brought on

record in the title of the above Writ Petition and all Pending Civil Applications replacing the Original Petitioner No.8.

(b) That necessary and consequential amendment in the above Writ Petition be allowed without prejudice to pending Civil Applications taken out by the Petitioners in the above Writ Petition.

Civil Application No. 614 of 2016 :

8. This Civil Application is not on board. Upon mentioning, the same is taken on board.

9. The Civil Application seeks transposition of Respondents No.5A, 5B, 5C and 5D in place of original Petitioner No.8 in all the proceedings.

10. Mr. Thipsay appears for the heirs of deceased Respondents No.1 and 2 and submits that they have no objection if the Application is allowed.

11. For the reasons stated in the Application, the Civil Application is allowed in terms of prayer clauses (a) and (b), which read thus :

(a) That the abovenamed Proposed Respondents No. 5A, 5B, 5C and 5D, be allowed to brought on record in the title of the above Writ Petition and all Pending Civil Applications replacing the Original Petitioner No.8 and they be ordered to be transposed

as Respondents in place of Original Petitioner No.8 abovenamed.

(b) That necessary and consequential amendment in the above Writ Petition be allowed without prejudice to pending Civil Applications taken out by the Petitioners in the above Writ Petition.

12. Let the amendments as permitted above be carried out within a period of two weeks from today.

13. Let the amended copies of the proceedings be served by the Petitioner upon the Respondents including the newly added Petitioners and the Respondents within a period of four weeks from today and appropriate Affidavit(s) of service be filed by the Petitioner.

14. Civil Application No.12 of 2024 accordingly stands allowed and disposed of as above. In view of the disposal of Civil Application No.12 of 2024, Interim Application No.11603 of 2024 also accordingly stands disposed of infructuous. Interim Application No.9560 of 2024 also to stand allowed and disposed of as above. The Civil Applications No.548 of 2016 and 614 of 2016 also stand allowed and disposed as such.

15. After the aforesaid Applications have been allowed, Mr. Tiwari for the Petitioners in the Writ Petition raises a grievance with respect to the order of status quo granted by this Court on 14th July 2004, the

heirs of Respondents No.1 and 2 are seeking to put up constructions and seeks to tender across the bar photographs demonstrating the same.

16. Let an appropriate Affidavit/Application in this regard be filed. In the meanwhile, it is made clear that status quo order dated 14th July 2004 continues and there has been no modification of the said order.

(ABHAY AHUJA, J.)