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

WRIT PETITION NO. 1277 OF 2024

Alankar Padaji Mhatre and Ors.	.. Petitioners
Versus	
Namdeo Narayan Naik and Ors.	.. Respondents

**WITH
WRIT PETITION NO. 1278 OF 2024**

Alankar Padaji Mhatre and Ors.	.. Petitioners
Versus	
Namdeo Narayan Naik and Ors.	.. Respondents

**AND
WRIT PETITION NO. 1297 OF 2024**

Sunil Ramesh Bhanushali	.. Petitioners
Versus	
Namdeo Narayan Naik and Ors.	.. Respondents

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- Mr. Suresh Sabrad a/w. Mr. Amey Sawant and Mr. Pratik Sabrad, Advocates for Petitioners in Writ Petition Nos.1277 of 2024 and 1278 of 2024.
 - Mr. Jeetendra Sachhdev a/w. Abubakar Patel, Advocates i/by JS Legal for Petitioner in Writ Petition No.1297 of 2024 and Respondent No.5 in Writ Petition Nos.1277 of 2024 and 1278 of 2024.
 - Mr. S.S. Patwardhan, a/w. Ms. Rajeshwari Patwardhan and Mr. Akshay Hardas i/by Mrinal Shelar for Respondent Nos.3 and 4.
 - Mr. Nitesh Rangari i/by Mr. Rohit Sakhadeo, Advocate for Respondent No.6 in Writ Petition Nos.1277 of 2024 and 1278 of 2024 and Respondent No.8 in Writ Petition No.1297 of 2024.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 14, 2024.

P.C.:

1. Heard Mr. Sabrad, learned Advocate for Petitioners in Writ Petition Nos.1277 of 2024 and 1278 of 2024; Mr. Sachhdev, learned

Advocate for Petitioners in Writ Petition No.1297 of 2024 and Respondent No.5 in Writ Petition Nos.1277 of 2024 and 1278 of 2024; Mr. Patwardhan, learned Advocate for Respondent Nos.3 and 4 and Mr. Rangari, learned Advocate for Respondent No.6 in Writ Petition Nos.1277 of 2024 and 1278 of 2024 and Respondent No.8 in Writ Petition No.1297 of 2024.

2. I am informed that Defendant Nos.1 and 2 who are nomenclatured as Respondent Nos.1 and 2 have expired. Details of the legal heirs shall be furnished by Mr. Patwardhan to Mr. Sabrad within a period of one week from today. Leave is granted to amend the Writ Petitions and implead and serve their legal heirs. Amendment to be carried out within a period of two weeks from today. Re-verification stands dispensed with.

3. Mr. Patwardhan, learned Advocate appears for Respondent Nos.3 and 4 who are the original Defendant Nos.3 and 4. Though adequate reference is made in the order dated 02.02.2024, the question raised by the Court in paragraph No.6 of the said order, is required to be answered by Respondent Nos.3 and 4 alongwith supporting documents. Though Mr. Patwardhan would point out that relevant averments are made at page No.166 of the Writ Petition to the effect that there is substantive outstanding claim of Defendant Nos.1 to 4 to the tune of Rs.1,61,10,000/- subsists even as on date, this is

however refuted by the Petitioners as well as Defendant No.5 not only on facts but also on merits of the matter since the claim is raised belatedly after more than 15 years. Respondent Nos.1 to 4 should furnish all details of amounts decided between the parties, amounts paid / received and balance by relying on supporting documents and reason for remaining quiet for more than 15 years before raising the claim.

4. Be that as it may, appropriate response is expected from Respondent Nos.1 to 4 in view of the order passed on 02.02.2024 as also today's order, failing which this Court shall determine the Writ Petitions on the merits of the case in accordance with law.

5. Stand over to **28th March, 2024 at 02:30 p.m.**

6. In the meanwhile, ad-interim relief granted earlier, if any, to continue.

[MILIND N. JADHAV, J.]

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