

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2627 OF 2024

Prema Amritham Aiyer

.. Petitioner

Versus

Sudha Vitthal Amarapurkar & Anr.

.. Respondents

.....

- Mr. Mandar V. Limaye a/w Mr. Vaibhav P. Patankar i/by M/s. Patankar & Associates for Petitioner
- Mr. Sanjay K. Gurykar i/by Mr. Jaydeep Deo for Respondent No. 1

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 18, 2024

P. C.:

1. Mentioned at the time of rising.
2. Heard Mr. Limaye, learned Advocate for Petitioner and Mr. Gurykar, learned Advocate for Respondent No. 1.
3. Mr. Limaye has expressed exigency and would submit that proceedings are pending before the District Court in Regular Civil Appeal against dismissal of Suit for specific performance by the Trial Court. He would submit that Petitioner is the niece of deceased who has filed Application under O. 1, R. 10 of the CPC seeking impleadment in the Appellate proceedings. He would candidly inform the Court that the niece of the deceased is a Class V heir. Her impleadment is required in view of the substantive right that may devolve on her. However he would also in the same breath submit

that Petitioner has filed Application seeking heirship certificate under the Bombay Regulation VIII of 1827. This Application is pending before the learned Trial Court, Pune. Mr. Limaye shall give details of this Application by 20.06.2024 so that it would be convenient for this Court to pass appropriate orders.

4. Mr. Limaye would submit that subject to the rights that may devolve upon he in the Heirship Application, her impleadment be allowed. This Court has impressed upon Mr. Limaye that this Court shall direct the concerned Trial Court where her Heirship Application is pending to determine and dispose of the Application subject to which it will be convenient to decide as to whether the Petitioner can have any substantive right in the pending Regular Civil Appeal.

5. Mr. Limaye would take appropriate instructions and accordingly inform the Court accordingly on the next date.

6. Copy of this order shall be served on Mr. Deo, learned Advocate for Respondents by Mr. Limaye.

7. Stand over to **20th June, 2024**. To be placed **“First on Board.”**

[MILIND N. JADHAV, J.]

Amberkar

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