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

WRIT PETITION NO. 6134 OF 2024

Sadashiv Vithoba Kolekar

.. Petitioner

Versus

Vithoba Dadu Kolekar, Since deceased through
his Heirs and Legal representatives and Ors.

.. Respondents

-
- Mr. S.T. Bhosale, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 23, 2024.

P.C.:

- 1.** Heard Mr. Bhosale, learned Advocate for Petitioner.
- 2.** Present Writ Petition takes exception to the impugned order dated 02.02.2024 appended at Exhibit “H” – page No.128 of the Writ Petition.
- 3.** The dispute between the parties is for partition of the properties. One of the grievance advanced by Mr. Bhosale is that all ancestral properties belonging to the pool of partition were not considered and ascertained by the learned Trial Court while passing the partition decree. He would submit that at the time of execution, an additional properties were ascertained and therefore Writ Petitioner made Application to the Executing Court to the add the additional properties for partition. That Application stood rejected by the learned Trial Court which results in filing of the present Writ Petition.

4. An arguable case has been made out by Mr. Bhosale for issuance of notice.
5. Hence, issue notice to the Respondents. Humdast permitted.
6. In addition to Court notice, Petitioner is permitted to serve a copy of the Writ Petition and this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.
7. After receiving notice, Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before the next date, if so desired.
8. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.
9. Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocate.
10. Stand over to **6th August 2024**.

[MILIND N. JADHAV, J.]

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