

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8598 OF 2024

Ramchandra Kshirsagar & Ors.

.. Petitioners

Versus

Vasantrao Kshirsagar & Ors.

.. Respondents

-
• Mr. Shardul R. Diwan, Advocate for Petitioners.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 24, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Diwan, learned Advocate for Petitioners.
- 3.** Perused the praecipe dated 24.06.2024 and the Writ Petition.
- 4.** The challenge is maintained to twin orders dated 24.04.2024 passed below Exhibit-55 and order dated 30.04.2024 passed below Exhibit-62 in Regular Civil Suit No.13 of 2013 by learned Trial Court by virtue of which parties have been allowed to be impleaded under Order VI Rule 17 of the Code of Civil Procedure, 1908.
- 5.** Mr. Diwan appearing for Defendants in the suit proceedings who are Writ Petitioners before me would submit that impleadment that has been allowed in the proceedings of is that of flat purchasers

who have booked their flats in the property which is developed. He would submit that impleadment of flat purchasers is not necessary to the suit proceedings at all because Defendants who are Developers of the suit property are in process of selling further flats / unit to prospective purchasers.

6. Be that as it may, on perusal of the impugned orders an arguable case has been made out by Mr. Diwan for issuance of notice to Respondents.

7. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Petitioners are directed to serve the Respondents a copy of this order and copy of the Writ Petition 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. Respondents are directed to file Affidavit-in-Reply to the Writ Petition on or before the next date.

8. Considering that this is a partition suit between parties and Affidavit of evidence of Plaintiff is filed in the year 2015 itself, this Suit cannot be protracted and prolonged and will have to be decided on its own merits. Respondents are directed to take cognizance of this order and remain present on the next date. Learned Trial Court is requested by this Court to defer the hearing in the proceedings before itself to a future date.

9. It is clarified that this Writ Petition shall be heard and decided at the stage of admission itself on the next adjourned date which may be noted by the parties since the Suit is of the year 2015.

10. Stand over to **08th July, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
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SAWANT

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by HARSHADA
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Date:
2024.06.24
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