

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16649 OF 2024

Bhimabai Shivaji Revale and Ors.

... Petitioners

vs.

Gangadhar Kishanji Dharap and Ors.

... Respondents

Ms. Sultana Sonawane :-	Advocate for Petitioners.
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CORAM : S. M. MODAK, J.

DATE : 10th DECEMBER 2024

P. C. :-

1. Heard learned Advocate for petitioners. Their application for filing Written Statement during pendency of Appeal is rejected by the Appellate Court on 25th April 2024 (Page No.46). This order is under challenge. It is very sorry state of affairs that all necessary papers are not annexed to the Petition.

2. My attention is invited to a notice issued by the Appellate Court to Bhimabai Shivaji Revale who is petitioner No.1 who was asked to

remain present during hearing of the Appeal. Now the Appeal is fixed for final hearing before the Appellate Court. She insists for granting of interim relief till next date.

3. If the parties wants the Court to believe their submissions and grant some interim relief, such arguments can be considered only if necessary papers are there. Filing list of important events is not sufficient and it could not take the place of necessary documents.

4. Let petitioners to file all the necessary documents in the office earlier to the next date.

5. It seems the issue is about entitlement of the petitioners to file Written Statement during pendency of the Appeal. It seems the present petitioners are predecessor entitle through Defendant. It is submitted that defendant has given oral evidence and there is Judgment against the defendants and Appeal is filed by the subsequent purchaser.

6. This Court has not expressed any opinion about the independent right of the petitioners to file Written Statement. Court will hear the petitioners when all the documents are filed.

7. Even though papers are not there certainly notice can be issued before admission. Issue notice before admission to respondents No.11(a), 11(b), 12(a), 12(b), 13(a) and 13(b) returnable on 13th January 2025. Private notice is allowed. Service affidavit be filed.

[S. M. MODAK, J.]

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