

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

Writ Petition No.17548 of 2024

Shri Narayan Mahadu Mahale and ors. ... Petitioners.
V/s.
Shri Bajirao barku Mahale and ors. ... Respondents.

Mr. G.R. Agrawal a/w. Naina P. Boraste	Advocate for the Petitioners.
---	-------------------------------

CORAM : S.M. MODAK, J

DATE : 09 December 2024.

P.C. :

Heard learned Advocate for the petitioners-plaintiffs.

2. The suit was earlier dismissed on 27 August 2013. It was remanded back by the appellate Court. After remand the petitioners-plaintiffs have amended the plaint by adding Gat No.211. The original defendants have also filed additional written-statement.

3. Both the parties adduced evidence and now the suit is fixed for judgment on 16 December 2024. Earlier to that the plaintiffs have filed one more amendment application. He wants to join legal heirs of deceased Annasaheb and one Shamrao as a party-defendant. The application was opposed on behalf of present defendants. The prayer is rejected by the trial Court as per the order dated 18 October 2024 (Page-62). It is under challenge.

Digitally
signed by
LATA
SUNIL
PANJWANI
Date:
2024.12.10
18:47:25
+0530

LATA
SUNIL
PANJWANI

4. The trial Court has rejected the said request for the reason that these two persons are not legal heirs of deceased Parvat and as such not necessary party.

5. According to Mr. Agrawal their names are appearing on 7/12 extract as abundant precaution, they have to join them as a party defendant. According to him the request has to be decided under the provisions of Order I Rule 10 and not on the basis of provisions of Order VI Rule 17. One fact is clear that this application was filed belatedly. It was not filed after the remand. This Court wants to ascertain whether the original defendants have filed additional written-statement after Gat No.211 was added in the suit property. Mr. Agrawal seeks time.

6. Stand over to **11 December 2024**, to be listed on supplementary Board.

(S.M. MODAK, J.)