



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 67/2019

Gulabchand Lakhmichand Mahajan (Dead) thr. LRs. .vs. Madhukar Nathulal
Waza (Dead) thr. LRs. And Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J. J. Chandurkar, Advocate for petitioners.

CORAM : ANIL L. PANSARE, J.

DATE : SEPTEMBER 12, 2024

Heard.

The challenge is to order dated 08.07.2007, passed below Exh.-67, by which learned Civil Judge Junior Division, Murtizapur has rejected the application filed by the petitioners to bring them on record as legal representatives of Gulabchand Mahajan in Regular Civil Suit No.13/1995. The petitioners then filed application seeking review of the aforesaid order, which came to be rejected vide order dated 05.04.2017.

Counsel for the petitioners submits that Gulabchand had filed two suits; one being Regular Civil Suit No.12/1995, which was filed for possession under Section 6 of the Specific Relief Act, 1963 and another being Regular Civil Suit No.13/1995 for damages. He has then shown me across the bar copy of Regular Civil Suit No.12/1995, wherein the petitioners have been brought on record as legal representatives of Gulabchand. Thus, in one suit the petitioners have been recognized as legal representatives of Gulabchand and in the

other they have been not. The petitioners have taken a specific ground in this regard as ground No.iv.

In view of above, the order is apparently erroneous and requires correction.

The writ petition is accordingly allowed. Order dated 08.06.2007 below Exh.-67 and order dated 05.04.2017 below Exh.-153, passed by 2nd Jt. Civil Judge Junior Division, Murtizapur in Regular Civil Suit No.13/1995 are quashed and set aside.

Application Exh.-67 is allowed. Regular Civil Suit No.13/1995 stands restored on the file of Civil Judge Junior Division, Murtizapur. The petitioners shall take necessary steps within six weeks from today.

Copy of the order be served on Civil Judge Junior Division, Murtizapur for taking necessary steps in the matter.

Rule is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)