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37-WP-2819-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO. 2819 OF 2025

Hadimiya Murtaza Sayyad Died Through Lrs Sayad Zubeda Hadimiya
And Others

VERSUS

State Of Maharashtra Through District Collector And Others

...

Mr. Sushant V. Dixit, Advocate for the Petitioners.

Mr. P. P. Dawalkar, AGP for Respondent - State.

CORAM : KISHORE C. SANT, J.

DATE : 7th MARCH 2025

PC :-

1. Issue notice to the Respondent, returnable on 21st April 2025.
2. Learned AGP waives service of notice for Respondent Nos.1 to 4.
3. So far as, the interim relief is concerned, this Court finds that an application was filed for amendment to the plaint by the present petitioners. The said amendment was sought in view of defendant producing on record one '*meherkhat*' executed on 5th October 1932 at the fag end of the trial. That production is allowed. It is for this reason, as per the case of the petitioner, that amendment was necessitated at

this stage.

4. The learned Advocate for the petitioners submits that in such case bar of the proviso to Order 6 Rule 17 of the Code of Civil Procedure, 1906 would not come in way.

5. Considering above, there shall be ad-interim relief in terms of prayer clause (B).

6. In the present case, no notice is required to Respondent No.7 as he happens to be coparcener.

[KISHORE C. SANT, J.]