

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7130 OF 2016

Jalal Abalal Tahsildar & Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 8382 OF 2024
IN
WRIT PETITION NO. 7130 OF 2016

Jalal Abalal Tahasildar (Petitioner No. 1)
(since deceased) through L.Rs.
Ramejabi Jalal Tahasildar & Ors. .. Applicants
IN THE MATTER BETWEEN
Jalal Abalal Tahsildar & Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 8385 OF 2024
IN
WRIT PETITION NO. 7130 OF 2016

Nasima Bashir Maldar (Petitioner No. 18)
(since deceased) through L.Rs.
Bashir Munavar Maldar & Ors. .. Applicants
IN THE MATTER BETWEEN
Jalal Abalal Tahsildar & Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 8387 OF 2024
IN
WRIT PETITION NO. 7130 OF 2016

Nazir Rajjak Tahasildar (Petitioner No. 23)
(since deceased) through L.Rs.
Hamida Nazir Tahasildar & Ors. .. Applicants

Jalal Abalal Tahsildar & Ors.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
INTERIM APPLICATION NO. 8383 OF 2024
IN
WRIT PETITION NO. 7130 OF 2016

Hasim Ainuddin Tahasildar (Petitioner No. 3) (since deceased) through L.Rs. Bismillaha Hasim Tahasildar & Ors.	.. Applicants
<u>IN THE MATTER BETWEEN</u>	
Jalal Abalal Tahsildar & Ors.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO. 6149 OF 2002

Bhupal Nana Khichade & Ors.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
INTERIM APPLICATION NO. 1629 OF 2025
IN
WRIT PETITION NO. 6149 OF 2002

Parisa Nana Khichade & Ors.	.. Applicants
<u>In The Matter Between</u>	
Appaso Nana Khichade & Ors.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
SECOND APPEAL NO. 749 OF 2024

Bapu Abalal Tahasildar (since deceased) through his Legal Heirs Babaso Bapu Tahasildar	.. Appellants
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Versus

Swastishree Jinsen Bhattarak & Ors.

.. Respondents

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- Mr. D.V. Sutar a/w Ms. Kavita D. Vijapure, Advocates for Petitioners & Applicants in all Matters
- Mr. Sanjay D. Rayrikar, AGP for Respondent Nos. 1 & 2
- Mr. Manoj A. Patil, Advocate for Respondent No. 3

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 28, 2025

P. C.:

1. Heard Mr. Sutar, learned Advocate for Petitioners; Mr. Patil, learned Advocate for Respondent No. 3 and Mr. Rayrikar, learned AGP for State.

Interim Application No. 8382/2024 in WP No. 7130/2016

2. Present Interim Application has been filed by the Applicants for bringing the legal heirs of deceased Petitioner No. 1 on record. There is delay of 3 years and 26 days in filing the present Interim Application. Applicants are the legal heirs of deceased Petitioner No.

1. Their names and details are given in cause title of the Interim Application.

2.1. Perused the Interim Application. For the reasons stated therein, Interim Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Abatement, if any, stands set aside. Amendment is permitted to be carried out within a period of one week from today.

Re-verification stands dispensed with. Copy of the amended cause title shall be served on the other side.

2.2. Interim Application No. 8382 of 2024 is allowed and disposed.

Interim Application No. 8385/2024 in WP No. 7130/2016

3. Present Interim Application has been filed by the Applicants for bringing the legal heirs of deceased Petitioner No. 18 on record. There is delay of 6 years and 180 days in filing the present Interim Application. Applicants are the legal heirs of deceased Petitioner No. 18. Their names and details are given in cause title of the Interim Application.

3.1. Perused the Interim Application. For the reasons stated therein, Interim Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Abatement, if any, stands set aside. Amendment is permitted to be carried out within a period of one week from today. Re-verification stands dispensed with. Copy of the amended cause title shall be served on the other side.

3.2. Interim Application No. 8385 of 2024 is allowed and disposed.

4. **Interim Application No. 8387/2024 in WP No. 7130/2016**

5. Present Interim Application has been filed by the Applicants for bringing the legal heirs of deceased Petitioner No. 23 on record. There

is delay of 10 years and 174 days in filing the present Interim Application. Applicants are the legal heirs of deceased Petitioner No. 23. Their names and details are given in cause title of the Interim Application.

5.1. Perused the Interim Application. For the reasons stated therein, Interim Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Abatement, if any, stands set aside. Amendment is permitted to be carried out within a period of one week from today. Re-verification stands dispensed with. Copy of the amended cause title shall be served on the other side.

5.2. Interim Application No. 8387 of 2024 is allowed and disposed.

Interim Application No. 8383/2024 in WP No. 7130/2016

6. Present Interim Application has been filed by the Applicants for bringing the legal heirs of deceased Petitioner No. 3 on record. There is delay of 279 days in filing the present Interim Application. Applicants are the legal heirs of deceased Petitioner No. 3. Their names and details are given in cause title of the Interim Application.

6.1. Perused the Interim Application. For the reasons stated therein, Interim Application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Abatement, if any, stands set aside. Amendment is permitted to be carried out within a period of one week from today.

Re-verification stands dispensed with. Copy of the amended cause title shall be served on the other side.

6.2. Interim Application No. 8383 of 2024 is disposed.

Interim Application No. 1629/2025 in WP No. 6149/2002

7. Present Interim Application has been filed by the Applicants for bringing the legal heirs of deceased Petitioner Nos. 1 to 3 on record. There is delay of more than 11 years and 6 months in filing the Application. Names and details of the legal heirs of deceased Petitioner Nos. 1 to 3 are stated in the Schedule of amendment which is appended at page Nos. 11-12 of the Interim Application.

7.1. Perused the Interim Application. For the reasons stated therein, Interim Application is allowed in terms of prayer clauses (a) to (c). Delay is condoned. Abatement, if any, stands set aside. Amendment is permitted to be carried out within a period of one week from today. Re-verification stands dispensed with. Copy of the amended cause title shall be served on the other side.

7.2. Interim Application No. 1629 of 2025 is allowed and disposed.

WRIT PETITION NOS. 7130/2016, 6149/2002 & SA No. 749/2024

8. Both the learned Advocates jointly inform the Court that in addition to the above captioned Writ Petitions and Second Appeal,

there are 8 Writ Petitions and 9 Second Appeals pending in this Court which are required to be heard together and for that matter to be clubbed along with present Writ Petitions and Second Appeal. Their details are as under:-

A. Writ Petitions:-

Writ Petition Nos. 8337/03, 8686/03, 8685/03, 8359/03, 8326/03, 494/04 & 1514/05

B. Second Appeals:-

Second Appeal Nos. 778/24, 779/24, 749/24, 377/24, 495/24, 355/24, 375/24, 376/24 & 356/24

9. It is seen that the above stated Writ Petitions relate to odd years and even years which are being heard by separate Courts. In that view of the matter, Registrar (Judicial-I) shall ascertain the appropriate Bench for hearing of the present Writ Petitions as well as Second Appeals and place the report before this Court within a period of one weeks from today. He shall also ascertain whether appropriate orders have been passed for clubbing all the above matters together as informed by the learned Advocates. If no such order exists, then learned Advocates shall take appropriate steps in that regard after informing all the Advocates for the parties in the aforesaid Petitions and Second Appeals proceedings.

10. Stand Over to **4th August, 2025.**

[MILIND N. JADHAV, J.]