

AGK

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

WRIT PETITION NO.4079 OF 2025

Somubhai Madhu Vaghat ... Petitioner
V/s.
 Gulabbhai Manchubhai Madhu & Ors. ... Respondents

Mr. Mandar Soman with Mr. Hardik Joshi for the petitioner.

Mr. Harsh Dedhia i/by Mr. Venegavkar for respondent No.2.

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CORAM : AMIT BORKAR, J.

DATED : MARCH 24, 2025

P.C.:

1. The petitioner is challenging order passed by the Mamlatdar, Silvassa in relation to the application dated 2 January 2024 filed by respondent No.1 to enter his name as the legal representative of late Bendiya Mahdu alias Manchhubhai Vaghat.

2. According to the petitioner, respondent No.1 is not legal representative, whereas, according to respondent No.1, he is legal representative.

3. On perusal of the roznama, it appears that proper opportunity of hearing was not granted to the petitioner. This fact is evident from the noting made by the Authorities stating that the petitioner refused to sign roznama, which indicate that no further

submission was made on behalf of the petitioner. Therefore, it is evident that the petitioner was not granted proper opportunity of hearing.

4. Hence, impugned order dated 24 February 2025 passed by the Mamlatdar, Silvassa is quashed and set aside.

5. Proceedings are restored to the file of Mamlatdar, Silvassa. He shall decide the application within eight weeks from the date of appearance of the parties.

6. Parties shall appear before the Mamlatdar, Silvassa on 1 April 2025 at 10.30 a.m.

7. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)