

Ajit

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

WRIT PETITION NO. 18084 OF 2024

Rahul Arora And Ors. ...Petitioners

Versus

The State Of Maharashtra
Through Its Department Of Revenue And Ors. ...Respondents

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- Mr. Vineet Naik, Senior Advocate a/w Mr. Sameer Pandit, Ms. Krina Gandhi, Mr. Chintan Pasad i/b Wadia Ghandy and Co., Advocates for Petitioners.
 - Mr. Ashutosh Kumbhkoni, Senior Advocate i/b Tukaram Shendge, Advocate for Respondent No.3.
 - Mr. Janak Dwarkadas, Senior Advocate (through VC) a/w Mr. Mani Thevar i/b Ganesh and Co., for Respondent Nos.13 to 26.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 07, 2026.

P.C.:

1. Heard the learned Senior Advocates appearing for the respective parties.
2. Mr. Naik tenders Affidavit-in-Rejoinder, which is accepted by the Court. Copy of the same shall be served on Mr. Kumbhkoni and Mr. Dwarkadas in the course of the day.
3. By consent of the parties, and notwithstanding the fact that Suit before the Trial Court, being S.C. Suit No.54 of 1998, which is now renumbered as Suit No.4 of 2026 is pending for the last 28 years fo seeking partition, the parties are directed by this Court to take appropriate instructions and accordingly apprise the Court on the next

date. Substantive right, share and entitlement of the parties before me will be determined in the pending Suit before the Civil Court on trial and evidence rather than in RTS proceedings. No purpose whatsoever will be served if RTS proceedings are allowed to be continued. Finality in the proceedings is what is required.

4. There is also an order passed by this Court in Writ Petition No.8330 of 2003 dated 17.03.2005, which is placed on record and it states that shares are to be determined by the Trial Court between the parties. Mr. Kumbhkoni apprises the Court that his clients are the Plaintiffs before the Trial Court and their affidavit in lieu of evidence of their witness was filed as far back as in 2015, but the Suit has not proceeded thereafter for trial. His grievance is that Mr. Naik's clients (Petitioner herein) are not proceeding with the Trial. The aforesaid timeline as indicated by Mr. Kumbhkoni is very strange. Suit before Trial Court is pending for 28 years.

5. Mr. Naik is therefore directed by the Court to take appropriate instructions and accordingly inform the Court, so that appropriate orders can be passed to relegate the parties to the Trial Court with appropriate directions, after hearing the learned Advocates for the respective parties.

6. I am informed by Mr. Kumbhkoni that Respondent No.8 has expired in the interregnum. Hence, leave is granted to the Advocate for

the Petitioners to bring the legal heirs of deceased Respondent No.8 on record. Delay if any stands condoned for bringing his legal heirs on record. Abatement if any is set aside. The names of the legal heirs shall be provided by the Advocate on record for the Respondents to the Advocate for the Petitioners forthwith. Amendment is permitted to be carried out within a period of one week from today. Re-verification stands dispensed with. Copy of amended cause title shall be exchanged between the parties by the learned Advocates appearing for the respective parties.

7. Mr. Deolekar is permitted to file appropriate affidavit placing the roznama of hearings on record. It is however clarified that no purpose whatsoever will be served in adjudicating the RTS proceedings when the substantive Suit is pending in the Civil Court.

8. At the joint request of the learned Advocates appearing for the respective parties, stand over to **21st April 2026**. To be listed as **'First on Board'**.

[MILIND N. JADHAV, J.]