IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3431 OF 2026
IN
WRIT PETITION NO. 4139 OF 2000

Shri Moreshwar Hari Bhide (since deceased) through his heirs and legal representatives and Anr. ...Applicants

Versus

The State Of Maharashtra And Ors. ...Respondents

SNEHA NITIN CHAVAN
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Date: 2026.05.08 17:12:50 +0530

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Mr. K.P. Shah for the Applicant.
Ms. Kavita Solunke, Addl. GP a/w Mr. Sandip Babar, AGP for Respondent/State.
Mr. Abhishek Deshmukh for Respondent No.3.

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CORAM : M.M. SATHAYE, J.
DATE : 8th MAY, 2026

P.C. :

1. Heard learned Counsel for the parties.

2. This application is filed by the Petitioners requesting that compliance of order dated 09.04.2026 be recorded.

3. Learned Counsel for the Applicant pointed out that on 09.04.2026 under a wrong impression that steps were not taken in respect of bringing legal representative of deceased Petitioner on record, it was not pointed out to the Court that the present Applicants are already brought on record. He invited the Court's attention to order dated 24.03.2008 when Civil Application No. 2642 of 2005 was allowed thereby the Applicants were permitted to be brought on record as legal representative of the original Petitioner.

4. Perused the order dated 24.03.2008 as well as copy of Civil Application No. 2642 of 2005. Clearly on 24.03.2008, the application (for bringing legal representatives of the Petitioner on record) is allowed and the amendment is carried out.

5. Learned Counsel for the Respondent No.3, relying on Affidavit-in-Reply dated 07.05.2026 (which is tendered in the Court and taken on record) submitted that the statement made by the Advocate for the Applicant on 09.04.2026 is incorrect because the application for revocation of probate is not rejected and it is pending for consideration. He relies upon an order dated 10.03.2016 passed in MA No. 106 of 2011 in support of his submissions.

6. I have perused the said order dated 10.03.2016. It appears that the Misc. Application No. 172 of 2005 was converted into RCS No. 236 of 2008 and there was delay in filing application for restoration of said proceedings. The order dated 10.03.2016 condones the delay in filing the application for restoration. Perusal of the case status, annexed to the reply also indicates that the Restoration Application No. 328 of 2016 is pending for awaiting notice.

7. It therefore appears that proceedings for revocation of probate are pending at restoration stage and therefore, it cannot be said, in strict sense, that statement made on 09.04.2026 on behalf of Applicants, is incorrect. Be that as it may.

8. Since, the permission to bring legal representatives of the deceased Petitioner on record is already granted, way back on 24.03.2008, and since the rights of the parties and rival contentions on merits are already directed to be considered at the stage of final hearing of the petition, prayer made in the present application can be granted.

9. Accordingly, it is recorded that order dated 09.04.2026

directing the Petitioners to take steps in respect of deceased Petitioner, stands complied. Rival contentions of both sides on rights of the parties are kept open.

10. The application is disposed of in above terms.

(M.M. SATHAYE, J.)