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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12363 OF 2017

WITH

INTERIM APPLICATION NO. 1754 OF 2026

INTERIM APPLICATION (ST) NO. 6154 OF 2026

Smt. Vanita Vijay Birmal ... Petitioners/Applicants
and Another

Vs.

Shri Sawalaram Ananda ... Respondents
Kamble (Mahar) and Others

WITH

INTERIM APPLICATION NO. 1928 OF 2025

IN

WRIT PETITION NO. 12363 OF 2017

Sawalaram Ananda Kamble (Mahar) ... Applicant

In the matter between

Smt. Vanita Vijay Birmal and ... Petitioners
Another

Vs.

Shri Sawalaram Ananda ... Respondents
Kamble (Mahar) and Others

Mr. Drupad Patil for the Petitioners.

Mr. Omkar Kulkarni (through VC) i/b. Mr. Nachiket Khaladkar
for Respondent No. 2.

Ms. Ankita P. Rai i/b. Mr. Prakash Mahadik for Respondent
No. 1.

CORAM : GAURI GODSE, J.

DATE : 4th MARCH 2026

ORDER :

Interim Application (St) No. 6154 of 2026

1. Not on board. Taken on board.
2. Learned counsel for the applicants has tendered a copy of the interim application which is taken on record. Learned counsel for the petitioners submits that as informed by respondent no. 3 the heirs and legal representatives of deceased respondent no. 4 are already on record in a different capacity as respondent nos. 6, 8 and 9. He further submits that respondent no. 10 has expired without leaving any heirs. He therefore seeks leave to delete the names of respondent nos. 4 and 10.
3. For the reasons stated in the application, it is allowed in terms of prayer clause (a). Amendment to be carried out within two weeks.
4. Ad-interim relief already granted to continue till the next date.

Interim Application No. 1754 of 2026

5. This application is for bringing on record names of heirs and legal representatives of respondent no. 11. There is a delay in filing the application.

6. By order dated 22nd August 2025 notice for final disposal of the petition is already issued. Office is therefore directed to issue notice of the interim application as well as the writ petition to the proposed respondent nos. 11(a) to 11(d). Notice shall indicate that the separate notice of the writ petition shall not be issued and the notice issued as per this order shall also be treated as notice in the writ petition. Notice is made returnable on 8th April 2026.

7. In addition to the court notice, learned advocate for the petitioners to serve the proposed respondent nos. 11(a) to 11(d) along with copy of this order and order dated 22nd August 2025 by private service and file service affidavit before the next date.

8. Learned advocate for the petitioner shall ensure that copies are supplied and court notice is issued by taking hamdast.

Writ Petition No. 12363 of 2017

9. Learned counsel for the petitioner submits that respondent no. 9 is served as per the bailiff report. He therefore submits that order dated 18th February 2026 be

clarified that as per the bailiff report only respondent nos. 3, 4, 5, 7, 10 and 11 are reported to be dead.

10. Office remark shows that notice to respondent no. 9 is awaited. However, learned counsel for the petitioner has annexed copy of the bailiff report to Interim Application (St) No. 6154 of 2026. The said report states that respondent no. 9 is served.

11. Learned counsel for respondent no. 2 submits that he shall take instructions about the heirs and legal representatives of deceased respondent nos. 3, 5 and 7 and if he receives any instructions he shall intimate the same to the learned counsel for the petitioner.

12. Ad-interim relief already granted to continue till the next date.

[GAURI GODSE, J.]