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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4543 OF 2017
WITH
INTERIM APPLICATION NO. 1694 OF 2026**

Harnarayan Ramchandra Sharma ... Petitioners/Applicants
(Deceased) through Lrs

vs.

Sharda Devi(Deceased) through Lrs ... Respondents

Mr. A.S. Pal, Mr. Gobinda C. Mohanty i/b. M/s. Mohanty and Associates for the Petitioners/Applicants.

Mr. Deep Padachh a/w. Mr. Deepraj Shetye i/b. Mr. Rajiv Hingu for Respondent Nos. 1(a) to 1(d).

CORAM : GAURI GODSE, J.

DATED : 4th MARCH 2026

ORDER:

INTERIM APPLICATION NO. 1694 OF 2026

1. This application is for restoration of the writ petition against respondent nos. 1e and 1f. In view of the conditional order passed by the learned Registrar, the writ petition stood dismissed against respondent nos. 1e and 1f.

2. Learned counsel for the petitioners submits that since there

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was a caveat filed on behalf of all the respondents, he had served the advocate who had filed the caveat. He however submits that the advocate for the caveator had appeared only on behalf of respondent nos. 1a to 1d. Hence, notice was issued to respondent nos. 1e and 1f.

3. I have perused the papers of the petition. It appears that the advocate who appeared for the respondents had given his appearance on 9th October 2017 only for respondent nos. 1a to 1d. Hence, this court issued notice to respondent nos. 1e and 1f. Hence, in the facts and circumstances of the case and the reasons stated in the application, the delay is condoned and the application is allowed in terms of prayer clause (b). The writ petition is restored against respondent nos. 1a to 1f.

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4. Learned counsel for the respondents does not dispute that the caveat was filed on behalf of all the respondents. However, he submits that he has no instructions from respondent nos. 1e and 1f. This petition needs to be decided finally at admission stage. Hence, issue notice for final disposal of the petition at admission stage. Notice is made returnable on 8th April 2026.

5. Learned counsel who appears today waives notice on behalf

of respondent nos. 1a to 1d.

6. Office shall therefore issue notice to respondent nos. 1e and 1f.

7. In addition to the court notice, learned advocate for the petitioners to serve the remaining respondents, by private notice and file affidavit of service before the next date.

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

(GAURI GODSE, J.)