

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.581 OF 2023

Jayant Lunawat .. Applicant
Versus
Rakhmabai Nivrutti Balwadkar and Ors. .. Respondents

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- Mr. Virendra Tulzapurkar, Senior Advocate a/w. Mr. Rashmin Khandekar, Mr. Pranav Nair, Mr. Devansh Bheda and Mr. Parth Jasani, Advocates for Applicant.
 - Mr. R. D. Soni i./by Sujit Padarat, Advocate for Respondent No.2b.
 - Mr. Anand Lawate a/w. Ms. Simron Somin i./by Sandeep Waghmare, Advocates for Respondent Nos.4, 6a, 6b.
 - Mr. Krushna Jaybhay i./by Mr. Suyash Khose, Advocate for Respondent No.8C.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 18, 2024

P.C.:

1. Heard Mr. Tulzapurkar, learned Senior Advocate for Applicant; Mr. Soni, learned Advocate for Respondent No.2b; Mr. Lawate, learned Advocate for Respondent Nos.4, 6a and 6b and Mr. Jaybhay, learned Advocate for Respondent No.8C.

2. The present challenge pertains to rejection of an Application filed below Order XII Rule 6 of the Code of Civil Procedure, 1908 (for short 'CPC') seeking a decree of admission filed by Plaintiff.

3. At the outset, Mr. Tulzapurkar has drawn my attention to the fact that Defendants have filed an interlocutory application seeking abatement of suit before the learned Trial Court on the ground that the

legal heirs of some of the deceased Plaintiffs have not been impleaded and brought on record.

4. Mr. Lawate would submit that he would have to take appropriate instructions and if that be the case, necessary steps will be immediately taken to bring those legal heirs of deceased Plaintiffs on record. If the aforesaid issues are sorted out and Application seeking abatement is heard by Trial Court, the hearing of this Civil Revision Application may not be necessitated.

5. Both parties are directed to take appropriate steps and if such steps are taken, Trial Court shall allow impleadment of legal heirs of some of the deceased Plaintiffs and hear the Application as expeditiously as possible. Applications shall be heard and decided on their own merits by learned Trial Court.

6. I am also informed by Mr. Soni that there is Application seeking amendment of suit plaint filed by some of Plaintiffs. That application has been rejected against which Writ Petition No.1267 of 2022 is pending. Writ Petition No.1267 of 2022 be listed alongwith Civil Revision Application on the next adjourned date if they both survive.

7. Stand over to **16th July, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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