



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12363 OF 2017**

Vanita Vijay Birmal and Anr. ... Petitioners

Vs.

Sawalaram Ananda Kamble

(mahar) and Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 1754 OF 2026
WITH
INTERIM APPLICATION NO. 1928 OF 2025**

Mr. Drupad Patil a/w. Ms. Srushti Chalke for the petitioners.

Mr. Prakash Mahadik for respondent no.1.

Mr. Nachiket Khaladkar for respondent no.2.

CORAM : GAURI GODSE, J.

DATE : 8th APRIL 2026

ORDER :

1. By order dated 22nd August 2025, notice for final disposal is issued. The writ petition is filed by defendant nos. 11 and 12 to challenge the order passed by the trial court refusing to set aside the application under Order IX Rule 13 of the Civil Procedure Code, 1908 ("CPC"). The trial court has decreed the suit filed by respondent nos. 1 and 2 ex parte. By the decree passed by the trial court, the sale deeds executed in favour of the petitioners, i.e. defendant nos. 11 and 12 are declared to be not binding upon the

plaintiffs share. The contesting respondents, are therefore, respondent nos. 1 and 2 who are the original plaintiffs. The ex parte decree against defendant nos. 1 to 10 was not challenged by the said defendants, hence, it would not be necessary to serve notice on the said respondents for deciding the present writ petition filed by original defendant nos. 11 and 12.

2. Learned counsel for the petitioners, therefore, seeks leave to delete respondent nos. 3, 5, 7 and 11. Leave granted. Amendment to be carried out forthwith in the court.

3. List the writ petition for final disposal at the admission stage on 23rd April 2026. To be listed under the caption “for final disposal at admission stage”.

4. In view of the aforesaid order, Interim Application No. 1754 of 2026 is disposed as it does not survive.

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

[GAURI GODSE, J.]