

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

37 WRIT PETITION NO.1439 OF 1999
WITH CA/5052/1999 IN WP/1439/1999
WITH CA/3368/2023 IN WP/1439/1999

SHRAWAN SHIVNATH ADSULE AND OTHERS
VERSUS
BANNEKHAN YUSUFKHAN PATEL AND OTHERS

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Advocate for petitioner no.3 : Mr.K.T.Jamdar
AGP for Respondent-State : Mr.S.N.Morampalle
Advocate for Respondent no.2 : Mr.S.V.Natu

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03.04.2023

P.C. :

1] Heard the learned counsel for the petitioner no.3. The learned counsel for the petitioner no.3 submits that he has filed an application only on behalf of the petitioner no.3 for restoration of Writ Petition No. 1439 of 1999 and that he had not filed Vakalatnama on behalf of any other petitioners except petitioner no.3. Inadvertently, he did not bring this fact to the notice of this Court, as such,

Writ Petition stood restored qua all the petitioners, by order dated 12th December, 2022.

2] In view of this, order dated 12th December, 2022 is modified and the Writ Petition No.1439 of 1999 will stand restored only to the extent of petitioner no.3, namely, Sonerao Shivnath Adsule.

3] It is informed that some of the respondents have expired. The petitioner no. 3 to take steps to bring on record the legal heirs of the deceased respondents.

4] The learned counsel for the respondent no.2 submits that in view of dismissal of the present Writ Petition of all other petitioners except petitioner no.3, the Writ Petition would survive against the respondents.

5] This aspect of the matter would be considered on the next date.

6] It is clarified that this matter is restored only to the extent of petitioner no.3 and cause is only against

respondent no.2, until the legal heirs are permitted to be brought on record of the deceased respondents.

7] List this matter on 12.06.2023.

[ARUN R. PEDNEKER]
JUDGE

DDC