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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.685 OF 2015
IN
SECOND APPEAL NO.710 OF 2014

Meena A. Lavand (since deceased)
through L.Rs. Shankar A. Lavand & Ors. ...Applicants

IN THE MATTER BETWEEN :

Narayan R. Dhanave & Ors. ...Applicants
V/s.

Malatibai B. Kulkarni (since deceased)
through L.Rs. Shashikala A. Kulkarni & Ors. ...Respondents

Mr.Dilip Bodake for the Applicants / Appellants in the Second Appeal.
Mr.V.S.Talkute for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 4TH DECEMBER, 2015.

P.C. :-

1. By this civil application, the applicants seek leave to file the second appeal along with the applicant nos.1 to 3 (original defendant nos.1 to 3) and to impugn the judgment and decree dated 26th June, 2014 passed by the learned District Judge. It is not in dispute that the predecessor of the applicants was a party to the proceedings before the learned trial Court as well as the District Judge. Though the predecessor of the applicants died during the pendency of the appeal, the applicants were not brought on record before the courts below. In

the appeal filed by the other applicants i.e. Second Appeal No.710 of 2014, the present applicants were not impleaded as a party respondent. Learned counsel for the applicants states that the applicants herein are also aggrieved by the order passed by the District Judge (Appeal Court) and thus seeks leave to file the second appeal. I am however, not inclined to allow the applicants herein to be impleaded as the party appellants in the Second Appeal No.710 of 2014.

2. I therefore, pass the following order :-

a). The applicants are granted leave to file the second appeal so as to impugn the judgment and order dated 26th June, 2014 passed by the learned District Judge-3, Satara in RAC No.96 of 2001 arising out of the judgment and decree dated 30th September, 1995 passed by the Second Joint Civil Judge, Senior Division, Satara in Special C.S. No.75 of 1988.

3. The civil application is accordingly disposed of in aforesaid terms. No order as to costs.

4. It is made clear that if any separate appeal is filed by the applicants pursuant to the leave granted by this Court today, the maintainability of such second appeal can be decided at the stage of admission of the said second appeal.

(R.D. DHANUKA, J.)