

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

Civil Application (CAS) No.1326 of 2014

In

Second Appeal No.188 of 2002

(Vishnu s/o Balaji Bhaskarwar, since deceased, through his LR's. Dr. Vivek  
s/o Vishnupant Bhaskarwar and others v. Smt. Hirabai w/o Shrikrishna  
Chiddarwar and others)

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Office Notes, Memoranda of Coram,  
appearances, Court's orders or directions      Court's or Judge's orders  
and Registrar's order

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Shri B.B. Mehadia, Advocate for Applicants/Appellants.

Shri A.S. Joshi, Advocate for Respondent Nos.3(A), (B), (C) and (E).

Smt. Smita Deshpande, Advocate for Respondent No.3(D).

**Coram : R.K. Deshpande, J.**

**Dated : 16<sup>th</sup> January, 2015**

Shri Mehadia, the learned counsel appearing for the applicants, seeks corrections in the application. According to him, the number of the respondent No.13 in the cause-title, heading and prayer of the application, ought to have been respondent No.12. He is, therefore, permitted to carry out the necessary corrections, which shall be done forthwith.

In Special Civil Suit No.3 of 1967, a decree for partition was passed, and the plaintiff was held entitled to 5/8<sup>th</sup> share in the

field survey Nos.115/2, 122/3 of Digras, 77 and 110 of Mouza Lakh, and 68 of Tuptakali, and the defendant Nos.2, 6 and 7 were held entitled to have 1/8<sup>th</sup> share each in those properties. After the partition, the plaintiff was directed to be put in possession of 5/8<sup>th</sup> share. This decree was the subject-matter of challenge in Regular Civil Appeal No.88 of 1990 by the defendant No.2. The said appeal was dismissed on 7-3-2002. This second appeal is preferred by the defendant No.2, who has expired during the pendency of the appeal and his legal representatives are brought on record.

This application for deletion of the names of the respondent Nos.2(a) to 2(d), 3(a) to 3(e), 4 to 10, 11(a) to 11(g) and 12, has been filed by the appellant, the original defendant No.2. The plaintiff has no objection for deleting the names of these respondents.

The respondents, who are proposed to be deleted, have filed reply to this application, opposing the claim for deletion of their names.

In view of this, the civil application is allowed at the risk of the appellant, the defendant No.2, and the plaintiff, and the names of the said respondents are permitted to be deleted. Necessary deletion be carried out within a period of one week from today.

The civil application stands disposed of.

Judge.