

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL REVISION APPLICATION (ST) NO.20139 OF 2010
WITH
CIVIL APPLICATION NO.314 OF 2010**

1. Shri Dilip Vishnu Kolhatkar ..Applicant

Vs

1. Smt. Rajani Kusumakar Khare .. Respondents
(deceased) and Ors.

Mr. S.A.Rajeshirke, Advocate for Applicant.

CORAM : R.G.KETKAR,J.
DATE : 14/12/2016

PC:

1. Heard Mr.S.A.Rajeshirke, learned counsel for the applicant.
2. Civil Application No.314 of 2010 was taken out for condonation of delay of 105 days in filing Civil Revision Application. It was dismissed in default on 16.12.2010 as none appeared on behalf of applicant. As the Civil Application was dismissed in default, resultantly, Civil Revision Application stood dismissed for non prosecution.
3. Civil Revision Application was preferred challenging the Judgment and order dated 19.1.2010 passed by the learned Civil Judge, Senior Division, Pune below Exhibit-76 in Spl. Civil Suit No.954 of 2006. By that order, the learned trial Judge allowed the application made by the applicants for impleading them as legal representatives of deceased plaintiff Rajani Khare as executors of her Will dated 14.2.2008.

4. In the order dated 5.12.2016, statement of Mr. Rajeshirke that he was not getting instructions either from the applicant or from instructing Advocate, was noted. Upon taking instructions, Mr. Rajeshirke submits that Spl. Civil Suit No.954 of 2005 was decreed by the trial Court. Aggrieved by that decision, the applicant herein preferred Appeal which was also dismissed by the District Court. Aggrieved by these decisions, the applicant has preferred C.R.A No 657 of 2015 in this Court and the same is pending for admission. He further submits that liberty may be reserved to raise grounds challenging the impugned order in this Civil Revision Application.

5. As noted earlier, by the impugned order, the applicants are brought on record as legal representatives of the original plaintiff Rajani Khare. The suit has thereafter proceeded. C.R.A. is, therefore rendered infructuous and is accordingly disposed of, reserving liberty to the applicants herein to challenge the impugned order in this petition as per section 105(1) of C.P.C. Order accordingly.

(R.G.KETKAR, J.)