

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

917 CIVIL APPLICATION NO.1423/2016

IN

APEAL FROM ORDER NO. 49 OF 2013

INDUBAI BAJABA ABHANG

VERSUS

UDAYKUMAR KERUJI GUNJAL AND OTHERS

...

Advocate for Petitioner : Ms. Zaware Suvarna M

AGP for Respondents: Mr. S.S. Dande

CORAM : K. L. WADANE, J.

DATE : 9th August, 2017

ORDER:

1. This application is filed by the the original respondent No. 13 for transposition as original appellant in this appeal. The learned advocate for applicant submits that, the appellant/original plaintiff filed a suit for declaration, mandatory injunction and perpetual injunction against some of the respondents. The suit is pending before the learned Civil Judge, Junior Division Sangamner. The appellant filed an application below Exh. 135 for preventing the respondent No. 20 from making construction over the suit property. During the pendency of the suit the plaintiff died on 03.11.2015.

2. Mr. Dande, learned A.G.P. has no objection to allow the application.

3. Accordingly the application is allowed. The applicant/original respondent No. 13 be transposed as appellant.

4. Civil Application is disposed of.

5. A.O.49/2013 stand over to 23.08.2017.

(K. L. WADANE, J.)

mkd