

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.102 OF 1992
(Fulabai w/o Rampuri Bawa and others Vs. Vishwanath
Arjun Mane and others)

WITH

C.A. NO.7853/2007 IN S.A. NO. 102/1992

AND

C.A. NO. 10244/2007 IN S.A. NO. 102/1992

AND

C.A. NO. 10242/2007 IN S.A. NO. 102/1992

AND

C.A. NO. 10243/2007 IN S.A. NO. 102/1992

Mr. B.N. Patil, Advocate for the applicants/appellants
Mr.P.R. Katneshwarkar, Advocate for respondent No.1

CORAM : SANGITRAO S. PATIL, J.

DATE : 17th JULY, 2017

PER COURT :

Heard the learned counsel for the applicants.
He submits that sole contesting respondent i.e.
respondent No. 1 has expired and Civil Application No.
7853/2007 has been filed to bring legal representatives
of the deceased respondent No. 1 on record. He submits
that the notice would be required to be re-issued to the
proposed legal representatives of the deceased
respondent No. 1.

2. Re-issue notice to the proposed legal
representatives of the deceased respondent No. 1 in

Civil Application No. 7853/2007, returnable on 7th August, 2017.

3. The learned counsel for the applicants submits that Civil Application No. 10244/2007 has been filed to amend Civil Application No. 7853/2007 for adding the prayer for setting aside the abatement of the appeal against the deceased respondent No.1. The prayer being formal one, the application is allowed and the applicants are allowed to carry out the proposed amendment in Civil Application No. 7853/2007. Accordingly, Civil Application No. 10244/2007 is disposed of.

4. By filing another Civil Application No. 10243/2007, the applicants have prayed for addition of the subsequent purchasers i.e. respondent Nos. 9 to 12 as parties to this proceeding i.e. Second Appeal. The learned counsel for the applicants submits that since the suit land has been subsequently purchased by respondent Nos. 9 to 12, they are necessary parties to the Second Appeal. In the circumstances, the applicants in Civil Application No. 10243/2007 are allowed to add subsequent purchasers as respondent Nos. 9 to 12 to the Second Appeal. Issue notice to the added respondents in

Second Appeal, returnable on 7th August, 2017. In addition to regular mode of service of notice, the applicants shall serve the added respondents by private notice. Civil Application No. 10243/2007 is accordingly disposed of.

5. As regards Civil Application No. 10242/2007, the learned counsel for the applicants submits that this application has been filed for condonation of delay of 705 days in filing the Civil Application for bringing the legal representatives of the deceased appellant No. 3 on record. Issue notice to the respondents in Civil Application No. 10242/2007, returnable on 7th August, 2017.

Stand over to 7th August, 2017.

[SANGITRAO S. PATIL]
JUDGE

npj/sa102-1992