

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

**CIVIL APPLICATION NO.1606 OF 2015
IN
SECOND APPEAL NO.370 OF 2005**

Vithabai w/o. Shankar Chougule and ors. ... Applicants
V/s.
Mainabai w/o. Dattu Kutale
Since deceased through Lrs.
Mrs. Akkatai Chandar Kutale & ors. ... Respondents

**WITH
CIVIL APPLICATION NO.1607 OF 2015
IN
SECOND APPEAL NO.370 OF 2005**

Vithabai w/o Shankar Chougule and ors. ... Applicants
V/s.
Mainabai w/o. Dattu Kutale
Since deceased through Lrs.
Babu Dattu Kutale since deceased through Lrs.
Mrs. Akkatai Chandar Kutale & ors. ... Respondents

**WITH
CIVIL APPLICATION NO.1187 OF 2015
IN
SECOND APPEAL NO.370 OF 2005**

Vithabai w/o Shankar Chougule and ors. ... Applicants
V/s.
Mainabai w/o. Dattu Kutale
Since deceased through Lrs.
Babu Dattu Kutale since deceased through Lrs.
Mrs. Akkatai Chandar Kutale & ors. ... Respondents

...
Mr. D. B. Patil for the applicants / appellants.
None for the respondents.

...

CORAM : S. C. GUPTE, J.

DATE : 24 FEBRUARY, 2017.

P.C. :

. Heard learned counsel for the applicants / appellants.

2. Civil Application No.1606 of 2015 is for bringing on record legal heirs of deceased respondent no.3, whereas Civil Application No.1607 of 2015 is for bringing on record legal heirs of deceased respondent no.2. There is a delay in taking out the present Civil applications. The delay is, however, explained in paragraph 2, 3 and 4 of the Civil Applications. It is submitted that originally legal heirs of respondent nos.2 and 3, viz. Their respective widows, were already on record in the Second Appeal. There is a dispute, however, between these widows and other women who claim to be married to respondent nos.2 and 3, and lay claims to the property of the deceased respondents. There is a suit pending between the widows who are on record and the women who claim to be the real widows of respondent nos.2 and 3, for partition of the property belonging to the deceased respondents and that these other widows have approached the appellants for being impleaded as party respondents to the Second Appeal in addition to the widows who are already on record.

3. In the premises, for the reasons stated in the Civil Applications, the delay is condoned and the Civil Applications are allowed in terms of prayer clauses (a) and (b) thereof. The amendments shall be carried out within a period of two weeks from today.

4. The Civil Applications are disposed of accordingly.

5. The Second Appeal, filed in the year 2005 has not yet been admitted. The Second Appeal to now come up for admission on 27th March, 2017 alongwith Civil Application No.1187 of 2015.

6. Issue notice to the newly added respondents returnable on 27th March, 2017. The applicants / appellants are also permitted to effect a private service and file an affidavit of service by the next date.

(S. C. GUPTE, J.)