

Sarnobat

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

**CIVIL APPLICATION NO. 1037 OF 2017
IN
SECOND APPEAL NO. 555 OF 2017**

Soma Lingu Teli (Since Deceased
through his legal heirs.) ... Applicants.

Vs.

Ramchandra Lingu Teli @ Dabholkar,
(Since deceased through his legal heirs) ... Respondents.

Mr. Tejas Pawar I/by Bhushan Walimbe, for the Appellant.
Mr. Shankar Thorat, for the Respondent Nos.1-A to 1-D, 2, 3-A to 3-D.

CORAM : A. M. DHAVALÉ, J.

DATE : 14th SEPTEMBER, 2018.

P. C. :

1. Respondent No. 1 has died after the judgment of first appeal and before filing of the second appeal. The heirs were shown in the appeal memo but since title of the appeal memo did not tally with the judgment, the Registry has raised objection. If the appeal is filed in time and due to death of any of the respondents after the decision of the first appeal, their legal heirs are shown in appeal memo, there is no necessity to seek permission of the Court.

2. Considering the technical ground the application is allowed. Legal representatives already on record are held to be proper

legal heirs. No application is required to bring the L.Rs. On record when person was died not during the pendency of the appeal.

[A. M. DHAVAL, J.]