

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

**CIVIL APPLICATION NO.1265 OF 2017
IN
SECOND APPEAL NO.185 OF 2008
WITH
SECOND APPEAL NO.185 OF 2008**

Sou. Bharati Chandrakant Jadhav
and Ors.

...Applicant

Versus

1. Sou. Anandibai Bhimrao Patil
since deceased no legal heirs.

...Respondent

2. Madhukar Dnyanu Mali

...Third party

.....

Mr. S.R. Ghanvat for the Applicant.

Mr. N.J. Patil for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st DECEMBER, 2018.

P.C.:-

The learned counsel for the Appellant submits that he does not press for relief mentioned in prayer clause (c) at this stage and he seeks leave to file separate application for that relief. Leave is granted.

2. It is stated that the sole Respondent has expired during the pendency of this appeal. The learned counsel for the Appellant has submitted that during the life time of the Respondent, the Respondent had sold the suit property to the third party, who is sought to be

impleaded in place of the deceased Respondent.

3. In view of the reasons stated in paragraph 10 of the application, delay in filing of the application is condoned. The abatement is set aside. The third party Mr. Madhukar Dnyanu Mali, who has purchased the property during the pendency of the second appeal is ordered to be brought on record in place of the deceased Respondent. Necessary amendment to be carried out within a period of two weeks. Copy of the amended appeal memo be furnished to the third party.

4. The application stands disposed of.

5. At this stage, Mr. N.J. Patil, submits that the vakalatnama filed by him in this application on behalf of the third party may be considered in the second appeal.

6. At the request of the learned counsel for the respective parties and considering that the Appellant is a senior citizen, hearing of the second appeal is expedited.

(SMT. ANUJA PRABHUDESSAI, J.)