

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO.15155 OF 2018
IN SA/488/2003

UTTAM VYANKAT PATIL LRS CHANDRAKALA AND OTHERS
VERSUS
CHINDHA RAJARAM PATIL AND OTHERS

...
Advocate for Applicants: Mr. K. S. Patil, holding for Mr. Choudhary S. S.
Advocate for Respondents No.1 and 2: Mr. B. R. Warma
Advocate for Respondents No. 2a and 3a: Mr. B. R. Warma and Mr.
M. R. Tandale.

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 04-01-2019.

PER COURT :

1. Heard Mr. K. S. Patil, Advocate holding for Mr. S. S. Choudhary. He submits that, Original appellant No.5 has expired on 19-01-2018. By way of this application his legal representatives are to be brought on record.
2. It appears that, though the name of deceased Nandu @ Nandlal Patil was appearing in the appeal memo, inadvertently the learned advocate for the applicants is praying to add him as party. However, when it was pointed out that, he is already on record, the application is considered for the limited purpose.
3. Present application is within limitation. The original suit was for specific performance of the contract. It was dismissed. The first appeal was also dismissed. Original appellant No.5 Nandu was the original

plaintiff. Under such circumstance the right to sue survives as against the legal representatives. Hence, the application is allowed. Necessary amendment to bring the legal representatives of deceased Nandu @ Nandlal Patil be carried out within two weeks. List the matter on 18-01-2019.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.