

(Order)

(1)

Civil Appln. No. 0334 of 2019
with Civil Appln. No. 0335 of 2019

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 0334 of 2019
(In Civil Application No. 05604 of 2016)
(In Second Appeal No. 0197 of 1991)
With
Civil Application No. 0335 of 2019
(In Second Appeal No. 0197 of 1991)

District : Latur

1. Dadarao Limbaji Patil
(Deceased).
2. Govindrao s/o. Dadarao Patil,
Age : 72 years,
Occupation : Agriculture,
R/o. Masalga,
Taluka Nilanga,
District Latur. .. Applicants.

versus

1. Babu s/o. Pandurang Shelke,
Age : 72 years,
Occupation : Agriculture.
 2. Ramesh s/o. Pandurang Shelke,
Age : 70 years,
Occupation : Agriculture.
- Both R/o. Masalga,
Taluka Nilanga,
District Latur. .. Non-applicants.

.....

*Mrs. M.D. Thube (Mhase), Advocate, instructed by
Lex Aquila, for the applicants.*

*Mr. S.G. Chapalgaonkar, Advocate, for non-applicants
no.01 and 02.*

.....

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 09TH JANUARY 2019

ORAL ORDER :

01. Civil Application No. 0334 of 2019 is filed by the applicant, seeking permission to correct the cause title of Civil Application No. 05604 of 2016 by way of amendment. So also, Civil Application No. 0335 of 2019 is filed by the applicant, seeking permission to correct the cause title of the reconstructed second appeal.

02. It is stated that the applicant was original appellant no.02 in the second appeal. He is the son of original appellant no.01 Dadarao, who expired on 13.07.1998, after admission of the appeal. He was on record, but since legal representatives of appellant no.01 were not brought on record and then appeal came to be dismissed in default, now applications have been filed for condoning the delay and restoration of appeal as well as to reconstruct the record of the court which was destroyed.

03. This Court has passed order on 29-04-2016, permitting the applicant to reconstruct the original record. But inadvertently in the cause title of the Second Appeal, instead of showing two appellants, only one party has been shown i.e. appellant no.02 is shown as legal representative of appellant no.01.

(Order)

(3)

Civil Appln. No. 0334 of 2019
with Civil Appln. No. 0335 of 2019

The said mistake is required to be corrected and, therefore, present applications.

04. Learned Advocate appearing for non-applicants no.01 and 02 has no objection only to correct the cause title of the application as well as cause title of the reconstructed second appeal and making necessary amendment in the civil application as well as reconstructed second appeal.

05. Hence, both Civil Applications are allowed in terms of prayer clause "B". Necessary amendment be carried out within two weeks from today.

06. Put the other civil applications for consideration in the week commencing from 28th January 2019.

(Smt. Vibha Kankanwadi)
JUDGE

.....