

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 CIVIL APPLICATION NO.14910 OF 2018
IN SA/778/2017

NAMDEV TUKARAM SONUNE

VERSUS

DAGDUBA TUKARAM SONUNE AND OTHERS

...
Advocate for Applicant : Mr. Nigam Samir V.
Advocate for Respondents No.1, 3, 4, 5 : Mr. G. B. Kingare
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 20-02-2019.

PER COURT :

1. Present application has been filed to make amendment in the citation. It is stated that, during the pendency of the appeal the appellant came to know that respondent No.2 is dead. She expired when the matter was before first Appellate Court. He came to know about the death only after notice was issued in this appeal. Her husband present respondent No.1 is already on record, however it is stated that the respondent No.2 had no interest/ ownership in the disputed property, and therefore, only the word dead is required to be incorporated as against her.

2. Heard both sides. Though the application is not supported by death certificate, it shows that when the notice was issued to respondent No.2, respondent No.1 made statement before bailiff that respondent No.2 expired on 16-12-2014. The present appellant does not want to bring all the legal representatives of respondent No.2 on record by saying that the right to sue has not survived because of the death of the respondent No.2. Under such circumstance, the application is allowed and disposed of accordingly. The necessary incorporation be made within a week.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.