

19.odt

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

**CIVIL APPLICATION NO.141 OF 2019**

**IN**

**SECOND APPEAL NO.860 OF 2016**

Sou. Saralabai Bhausahab Patil ... Applicant

Vs

Vishwanath Chanabasappa Birajdar-Patil

(Deceased through his heirs)

1A. Smt. Mahadevi Vishwanath Birajdar-Patil

& Ors. ... Respondents

...

Mr. Ashok S. Pandri I/by Mr. Shrishail Sakhare for the  
Applicant/Appellant.

**CORAM : SANDEEP K. SHINDE J.**

**DATE : 27 FEBRUARY, 2019**

**P.C. :**

*Not on board. Taken on Board.*

Pending the appeal Respondent No.1A died on 11<sup>th</sup>  
December, 2012 and Respondent No.2(2) died on 27<sup>th</sup> September,  
2018.

2           The applicant submits that interest of the deceased  
Respondent No.1A and 2(2) is represented by Respondent No.1B and  
Respondent Nos.2(3) to (9) respectively. The applicant, therefore,

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prays that he may be permitted to carry out necessary amendment and the order dated 25<sup>th</sup> October, 2018 passed by the Registrar (Judl-II) may be set aside.

3           That for the reasons stated in the application, it is allowed and the order dated 25<sup>th</sup> October, 2018 passed by the Registrar (Judl-II) in Second Appeal No.860 of 2016 is recalled and set aside. Application is allowed in terms of prayer clause (a-i).

4           Application is disposed of in the aforesaid terms.

**(SANDEEP K. SHINDE, J.)**