

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

CIVIL APPLICATION NO.1331 OF 2019
WITH
CIVIL APPLICATION NO.1332 OF 2019
IN
FIRST APPEAL (ST.) NO.28853 OF 2010

Shri Arjun B. Nigade
(since deceased) through LR
1(a) Saubhadrabai A. Nigade
& Others

.. Applicants

v/s.

Shri Sanjay K. Mutha & Others

.. Respondent.

Mr. Sarthak Diwan i/b. Mr. Ashutosh M. Kulkarni, for the Applicants in
both the Civil Applications.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.**
DATE : 15th APRIL, 2019.

P.C:-

Heard the learned Counsel appearing for the Applicants. The
Applicants are the Appellants.

2 Civil Application No.1331 of 2019 is filed to bring on record
the legal representatives of the deceased Respondent No.3. Civil
Application No.1332 of 2019 is filed to bring on record the legal
representatives of the deceased Respondent No.4.

3 The Respondent Nos.3 and 4 were husband and wife. The Respondent Nos.1 and 2 are their sons. The proposed legal representatives of the Respondent Nos. 3 and 4 are the daughters of the Respondent Nos.3 and 4. As two sons of the deceased Respondent Nos. 3 and 4 are already on record of the first appeal in their capacity as the Respondent Nos. 1 and 2, there is no abatement of the appeal against the Respondent Nos. 3 and 4. Hence, there is no delay in filing the applications.

4 Accordingly, both the Applications are allowed in terms of prayer clauses (a). Amendment to be carried out within a period of one week from the date on which this order is uploaded.

5 **Issue notice** to the added Respondent Nos. 3b and 3c as well as Respondent Nos.4b and 4c, in Civil Application No.4471 of 2010, returnable on **14th June, 2019**.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)