

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO. 96 OF 2016

Vishnu s/o. Keshav Sanap and anr.

vs.

Anusaya Vithoba Ingle and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. R. L. Khapre, counsel for applicants.
Shri. M. G. Sarda, counsel for respondents.

CORAM : MANISH PITALE J.

DATED : 07/01/2020

CIVIL APPLICATION (CAC) NO. 02 OF 2020

This is an application filed on behalf of applicants, seeking to bring on record legal representatives of deceased respondent No.6. It is stated that respondent No.6 has expired on 28/12/2018. Copy of the death certificate is also placed on record.

2. Although this application is moved in January 2020, the learned counsel appearing for the applicants submits that limitation period of three years under Article 137 of the Limitation Act would apply, since the provisions of Order 22 of the Civil Procedure Code are not applicable to revision proceedings under Section 115 of the Code, as held by this Court in the case of **Madhukar vs. Laxmanrao** [1995(2)Mh.L.J. page 608].

The learned counsel appearing for the respondents could not point out any contrary position of law.

3. Hence, it is held that the present application is filed within limitation. Accordingly, it is allowed and the legal representatives of respondent No.6, details of whom are given in paragraph No.6 are permitted to be brought on record.

4. Consequential amendment be carried out within a period of two weeks. Upon the aforesaid amendment being carried out, issue notice to the newly added legal representatives of deceased respondent No.6 returnable in **four weeks**.

5. Application is allowed in above terms.

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Revision application be listed for final disposal after **four weeks**.

JUDGE