

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

**11 CIVIL APPLICATION NO.9008 OF 2021
IN
SECOND APPEAL NO.364 OF 2021**

**BHAKTIRAM VISHRAM RATHOD, DIED, THR LRS, YASHODA AND OTHERS
VERSUS
AMRUTLAL VISHRAM RATHOD, DECEASED, THR LRS. DHANGAURI
AMRUTLAL RATHOD AND OTHERS**

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Mr. Amol Joshi, Advocate h/f Mr. D.R. Deshmukh, Advocate for applicants
Mr. R.C. Bora, Advocate for respondent Nos.1A to 1H, 3 to 5

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**CORAM : SMT. VIBHA KANKANWADI, J.
ORDER : 06th SEPTEMBER, 2021.**

PER COURT :

1 Present application has been filed for bringing the legal representatives of the sole appellant on record. The applicants are survived by the sole appellant. It is definitely required to be mentioned that one son of the appellant is pre-deceased and, therefore, the legal representatives of that pre-deceased son have been included in this application as applicants. The original appellant was the sole defendant. The respondents had filed the suit for recovery of possession by way of partition and for perpetual

injunction. The said suit came to be decreed. The appeal filed by the original defendant has been dismissed. Under such circumstance, the right to sue survives against the applicants. The Civil Application is within limitation. Under such circumstance, it stands allowed.

2 The legal representatives of the sole appellant be brought on record.

3 The necessary amendment be carried out within four weeks.

4 In the meantime, appellants to remove office objections.

(Smt. Vibha Kankanwadi, J.)

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