

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 CIVIL APPLICATION NO.2710 OF 2021
IN SA/115/1992

NAGNATH KISHAN KONDEKAR DIED LRS. RAM NAGNATH KONDEKAR
AND OTHERS

VERSUS

BINDURAM TULJARAM JADHAV DIED LRS. SHAKUNTALABAI
DIED LRS. PARSHURAM BINDURAM JADHAV AND OTHERS

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Advocate for Applicants : Mr. Mandlik Pratap P.

Advocate for Respondent No.1/5 : Mr. B. N. Gadegaonkar

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd February, 2021

ORDER :-

. Heard both sides.

2. Present application has been filed to bring the legal representatives of respondent No.1/III on record. The application is within limitation. The appeal is admitted. Respondent No.1/III is the legal representative of original plaintiff in Regular Civil Suit No.423 of 1980 which was filed for declaration of ownership and possession. The suit was decreed. Thereafter, the appeal filed by the present applicants was partly allowed and the suit itself was dismissed in *toto* as against appellant No.2 therein, but then as against appellant No.1 – Nagnath, it was maintained. Under all these circumstances, the right to sue survives

and, therefore, it is necessary to bring the legal representatives of respondent No.1/III on record. Hence, the application deserves to be allowed. Accordingly, it is allowed.

2. The consequential amendment to be carried out within a period of one week.

3. Learned Advocate Mr. Ghatge waives notice for the added respondents.

[SMT. VIBHA KANKANWADI, J.]

scm