

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO.3172 OF 2021
IN AO/25/2018

SHAIKH SATTAR MIYABHAI QURESHI
VERSUS
PADMNATH VISHNUPANTH SHIRSHIKAR AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh Abhay G.
Advocate for Respondent Nos.1, 3, 4 and 5 : Mr. B. S. Kudale
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 5th March, 2021

ORDER :-

. Present application has been filed to bring the legal representatives of the original appellant on record. Original appellant expired on 14.04.2020 i.e. during lock-down for which already the Hon'ble Supreme Court had lifted limitation period. The present civil application is within limitation. Present respondents are the original plaintiffs, who had filed suit for permanent injunction. The said suit came to be decreed by the learned third Joint Civil Judge Junior Division, Majalgaon on 21.12.2011. Thereafter, it appears that the present applicants/appellants had approached District Court, Majalgaon by filing Regular Civil Appeal No.09 of 2012. It appears that it was dismissed in default on 05.12.2015. Thereafter, Miscellaneous Civil

Application No.68 of 2015 was filed before the same Court for re-admission of the appeal under Order 41 Rule 19 of the Code of Civil Procedure. It came to be rejected on 01.02.2018. Hence, this appeal from order.

2. Under such circumstance, when the right to sue survives, it is necessary to bring the legal representatives of the appellant on record.
3. Application, therefore, stands allowed and disposed of.
4. Necessary amendment to bring the legal representatives of the appellant on record be carried out within a period of one week.
5. Place the matter for further consideration on 23.03.2021.

[SMT. VIBHA KANKANWADI, J.]

scm