

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO.6161 OF 2021
IN SA/17/2020

SAMPAT CHIMAJI THOKAL DIED LRS. SANJAY AND OTHERS
VERSUS

DADABHAU CHIMAJI THOKAL LRS ABAI AND OTHERS

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Mr. A.G. Ambetkar, Advocate for applicants

Mr. R.S. Bihani and Mr. P.S. Pawar, Advocates for respondent Nos.1 and 2 in
SA

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th JULY, 2021.

PER COURT :

1 Present application has been filed for bringing legal representatives of respondent No.1. Respondent No.1 expired on 11.05.2021. The present application is within limitation. Present applicants-appellants are the original defendant Nos.1 to 4 and respondent No.1 was plaintiff No.1. The plaintiffs had filed the suit for partition and separate possession, and therefore, the right to sue survives against the heirs of respondent No.1. It is necessary that they should be brought on record. Since the application is within limitation, it stands allowed in terms of prayer

clause 'B'. Necessary amendment be carried out within a period of one week. After the amendment is carried out, issue notice to the arrayed respondents, to be made returnable on 31.08.2021.

(Smt. Vibha Kankanwadi, J.)

agd