

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

12 CIVIL APPLICATION NO.7532 OF 2021
IN SA/129/2013

SATISH KESHAV GANDHI
VERSUS
SUBHASH KESHAV GANDHI DIED THR LRS SULBHA SUBHASH
GANDHI AND ORS

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 9th August, 2021.

PER COURT :-

1. Learned Advocate for applicant is absent.
2. Present application has been filed to bring legal representatives of deceased respondent on record. Sole respondent expired on 9.4.2021 and the present application has been filed on 29.7.2021.
3. Though learned Advocate for the applicant, who had moved the praecipe, is absent, yet taking into consideration the fact that the application is within limitation; further the applicant is original plaintiff, who had filed the suit for perpetual injunction in respect of the immovable property against sole respondent, the suit was partly decreed; wants to challenge the decree to the extent it is refused, i.e. in respect of the suit well and suit electric motor; the right to sue survives and, therefore, there is no hurdle in allowing the application.
4. The application stands allowed. Amendment, bringing legal representatives of sole respondent on record, be carried out within a period of one week.

(SMT. VIBHA KANKANWADI)
JUDGE