

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO.8108 OF 2020
IN SA/359/2018

VALIYODDIN IMAMSAB NAIKWADE AND OTHERS
VERSUS
ATIK EQBAL NAIKWADE AND OTHERS

...
Advocate for Appellants : Mr. Jain Vishwajit R (Kamboj)

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26th February, 2021

ORDER :-

. Present application has been filed for bringing legal representatives of appellant No.1 on record. He expired on 20.08.2020 i.e. during pandemic. The present application is within limitation. Appellant No.1 was original defendant No.1. Present respondent Nos.1 to 4 are the original plaintiffs, who had filed suit for perpetual injunction. That suit was dismissed. The original appellants filed appeal i.e. Regular Civil Appeal No.6 of 2010 and it was allowed by learned District Judge-1, Nilanga on 20.02.2017. Hence, the Second Appeal was filed. This demonstrates that the right to sue survives and, therefore, the legal representatives of present appellant No.1 - defendant No.1 is necessary. Hence, the application stands allowed.

2. Amendment to be carried out within a period of one week.
3. Application stands disposed of.

[SMT. VIBHA KANKANWADI, J.]

scm