

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO.531 OF 2021
IN SA/528/2014

PRABHAKAR DIGAMBAR GHORPADE DIED LRS. DNYENSHWAR
PRABHAKAR GHORPADE AND OTHERS
VERSUS
RATNAKAR DIGAMBAR GHORPADE AND OTHERS

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Advocate for Applicants : Mr. Gholap Ajit M.
Advocate for Respondent No.2 : Mr. S. P. Salgare h/f Mr. N. V. Gaware
Advocate for Respondent No.7 : Mr. M. R. Sonawane For R/7

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10.08.2021

ORDER :-

. Present application has been filed for bringing legal heirs of the appellant on record.

2. Though it appears that under mistaken facts, the applicant themselves are stating that there is technical abatement, yet it appears that it is in ignorance of the judgment of the Hon'ble Supreme Court in Suo Moto Writ Petition (C) No.3 of 2020 dated 08.03.2021 by which the limitation was extended due to pandemic situation. The appellant expired on 04.08.2020 and it appears that his wife also expired on 06.08.2021. Since the application is within limitation and appellant was the original plaintiff who had filed suit for declaration, partition and

injunction, under such circumstance, the right to sue survives.

3. Accordingly, application stands allowed and disposed of.
4. Necessary amendment be carried out forthwith.

[SMT. VIBHA KANKANWADI, J.]

scm