

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1279 OF 2019
IN
FIRST APPEAL ST. NO. 5495 OF 2018**

Sunil Vishwanath Sannake, deceased
through legal heirs 1A. Sagar Sunil Sannake
& Ors

...Applicants/
Appellants

Versus

Dattaram Atmaram Sannake, deceased
through 1A. Smt. Mathura Dattaram
Sannake & Anr

...Respondents

**WITH
FIRST APPEAL ST. NO. 5495 OF 2018
WITH
CIVIL APPLICATION NO. 494 OF 2019
AND
CIVIL APPLICATION NO. 2062 OF 2018**

Sunil Vishwanath Sannake & Ors

...Appellants

Versus

Dattaram Atmaram Sannake & Anr

...Respondents

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Mr. for the Appellants/Applicants.

Mr. for the Respondents.

CORAM: Smt. Bharati Dangre, J.

DATED: 8th December 2021

P.C.:-

1. The Applicants/Appellants, by filing Interim Application No. 1279 of 2019 seek to bring on record the heirs and legal representatives of Respondent No. 1 on record. The Application proceed to state that the Respondent No. 1 has expired during the pendency of the Appeal and the Applicant gained knowledge about his death on 05.08.2019 on a letter being addressed by the Advocate for the Respondent, also giving the list of his heirs and legal representatives. The delay, if any, is, therefore, sought to be condoned since it is from the date of knowledge, the Application is brought within the period of limitation.

2. For the reasons aforesaid, the Interim Application is allowed in terms of prayer clause (b).

3. The necessary amendments in the First Appeal as well as Civil Application No. 494 of 2019 and Civil Application No. 2062 of 2018 be carried out within a period of two weeks from today.

4. I was inclined to issue notice to the newly added Respondents but for appearance of Mr. Parshuram Dattaram Sannake, proposed Respondent No. 1B, one of the legal heir of Dattaram Atmaram Sannake. His identity has been established by him by showing a photocopy of the Aadhar card and the Voter Card stored in his mobile phone. Since he offered to accept notice on behalf of all the newly impleaded Respondents, issuance of notice is not necessary.

5. He states that he would be representing all the newly added Respondents and is not desirous of engaging the service of any Counsel. With the necessary permission being obtained from the Registry, he may be allowed to do so.

6. Interim Application No. 1279 of 2019 is disposed of in these terms.

7. Liberty to the Appellants to circulate the First Appeal and pending Civil Applications after the amendments are effected.

(Smt. Bharati Dangre, J.)