

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAS) Nos.481/2021 & 482/2021
IN
Second Appeal Stamp No.6687/2018

Mahadeo s/o Govinda Sawaithul & Ors. **Vs.** Bajirao s/o Govinda Sawaithul & Ors.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.D. Malode, Advocate for the Appellants.
 Shri V.K. Kolte, Advocate for Respondent Nos.2(i) to 2(v) & 3 to 6.

CORAM : S.M. MODAK, J.
DATE : 7th SEPTEMBER, 2021.

Appellant No.2 - Shankar expired on 27th February, 2021.
 Copy of the death certificate is annexed. There is a delay of 76 days in moving the application for bringing on record the legal representatives of appellant No.2. So, these applications are filed by his legal representatives.

02] Learned Advocate for respondent Nos.2(i) to 2(v) & 3 to 6 is consenting for both the prayers. Details of the legal representatives are given in Civil Application (CAS) No.481/2021. The delay has been properly explained.

03] In view of that, both the applications allowed. The name of appellant No.2 – Shankar s/o Mahadeo Sawaithul be deleted and the names of legal representatives mentioned in the application be added.

04] Both the applications are disposed of.

05] In the meantime, appellant No.1-A – Yemunabai who is

the wife of original appellant No.1 - Mahadeo expired on 17th July, 2021. Copy of death certificate is annexed. It is submitted that her legal representatives i.e. sons of original appellant No.1 - Mahadeo are already on record.

06] In view of that, oral prayer to delete the name of appellant No.1-A - Yemunabai is allowed.

Civil Application (CAS) No.610/2018

07] The appellants to serve the copy of Civil Application (CAS) No.610/2018 to the respondents. In fact, the Court could have rejected this request that the copies is not supplied because the matter is pending for the last three years, but the Court do not want to give a room to the respondents to make this grievance. Hence, the direction is issued:-

- a) It is made clear that if the reply is not filed on the next date, the Court will decide this application on the basis of the available record.

08] Matter be kept after three weeks.

JUDGE