

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

**CIVIL APPLICATION (Z) NO. 12 OF 2019**  
**IN LETTERS PATENT APPEAL NO. 27 OF 2005**

(Makhanlal Kanhaiyalal Paliwal (Since deceased and substituted by Shivendrakumar Udaramji Paliwal (since deceased)) Vs. The Maharashtra Revenue Tribunal, Nagpur & Ors.)

**AND**

**CIVIL APPLICATION (Z) NO. 13 OF 2019**  
**IN LETTERS PATENT APPEAL NO. 27 OF 2005**

(Makhanlal Kanhaiyalal Paliwal (Since deceased and substituted by Shivendrakumar Udaramji Paliwal (since deceased)) Vs. The Maharashtra Revenue Tribunal, Nagpur & Ors.)

(Applicants – Janak Aidan Paliwal & Anr.)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Shri S.S. Joshi, Advocate for the applicants/  
appellants.

Shri M.A.Kadukar, A.G.P for respondent No.1.

Shri Chinmay Dharmadhikari, Advocate for the LR  
Nos. 1 and 2 of respondent No.2.

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**CORAM : A.S. CHANDURKAR &  
PUSHPA V. GANEDIWALA, JJ.  
JUNE 25, 2021.**

**CAZ NO. 12/2019.**

Heard.

2] This is an application for bringing the  
legal representatives of respondent No.2 on record.

3] Respondent No.2 is stated to have  
expired on 10/12/2015, and the details of the legal  
representatives are given in para 7 of the application.

4] Notices to all the proposed legal representatives have already been served.

5] Considering the reasons assigned in the aforesaid application, the same is allowed. The learned counsel for the appellants is permitted to bring the legal representatives of respondent No.2 on record.

6] Necessary amendment/s be carried out within a period of one week from today.

7] The Civil Application stands disposed of.

**CAZ NO. 13/2019.**

8] This is an application for substitution of the names of the applicants as appellants in the appeal in place of deceased Shivendrakumar Udaramji Paliwal, who is reported to have expired on 25/10/2014.

9] It is stated that the subject land in the present proceedings is owned by a private trust constituted by one Smt. Tulsabai Kisanji Paliwal in the year 1962. The original appellant Shivendrakumar was the trustee of the said trust, and was prosecuting this appeal as a trustee and on behalf of the said trust. On account of death of Shivendrakumar and other trustees, the said office of

the trustees were filled in by the election/nomination of the present applicants as trustees of the said trust, and therefore, the applicants, being the current trustees of the said trust, need to be brought on record in place of the original trustee Shivendrakumar.

10] Shri Dharmadhikari, learned counsel for the legal representatives of respondent No.2, raised strong objection on the ground that the original appellant Shivendrakumar had filed the present appeal in his personal capacity, and therefore, the present applicants cannot be substituted in his place.

11] Without going into the merits of the aforesaid submissions made on behalf of both the parties, for the present, we permit the present applicants to represent the cause of the original appellant by keeping open the contentions about the entitlement and legality of the applicants to represent the appellant in this appeal.

12] Necessary amendment/s be carried out within a period of one week from today.

13] The Civil Application stands disposed of.

**(JUDGE)**

Sumit

**(JUDGE)**