

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.4019 OF 2022
IN SA(ST) NO.12592/2021
WITH
CA/4018/2022 IN SA(ST) NO.12592/2021**

KISHAN LIMBAJI YELNARE DIED THR LRS MATHURABAI
KISHANYELNARE AND ORS

VERSUS

RAM LIMBRAJ YELNARE DIED THR LRS CHAMPABAI RAJKUMAR CHAMLE
DIED THR LRS RANJEET RAJKUMAR CHAMLE ORS

...

Advocate for Applicants : Mr. V.G. Kodale h/f. Mr. V.D. Gunale

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CORAM : MANGESH S. PATIL, J.

DATE : 21.03.2022

PER COURT :

In fact this application itself is redundant. The person who ought to have preferred the Second Appeal has died long back even before filing of the Second Appeal and still by way of this application his legal heirs are sought to be brought on record. In fact if they were to prefer the Appeal these legal heirs ought to have by putting appropriate footnote in the Appeal Memo could have filed the Appeal disclosing that their predecessor was no more. The Application is disposed of granting leave to the appellants to carry out necessary amendment in the Appeal Memo indicating all the aforementioned facts and circumstances. Amendment to be carried out within two weeks.

2. After such amendment is carried out, issue notices in CA No.4018/2022 which is an application for condonation of delay in filing the Second Appeal, returnable on 02.05.2022.

(MANGESH S. PATIL, J.)