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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2371 OF 2022
IN
SECOND APPEAL NO.276 OF 2006**

Dnyandeo Dadu Magdum & Ors. ... Applicants
Versus
Ananda Ganpati Magdum & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.2387 OF 2022 IN SA 276/2006
WITH
INTERIM APPLICATION NO.2393 OF 2022 IN SA 91/2006
WITH
CIVIL APPLICATION NO.54 OF 2021 IN SA 91/2006**

Ms. Vishakha Shelar i/b Mr. Pratap Patil for the Applicants.
Mr. Abhinav Bhatkar i/b Mr. Vijay Killedar for Respondent No.1.
Ms. Pallavi Karanjkar i/b Mr.Sandeep Koregave for Respondent No.2.

**CORAM : S. M. MODAK, J.
DATED : 23RD AUGUST 2022**

PC. :

INTERIM APPLICATION NOS.2371 OF 2022 & 2393/2022

1. Heard learned Advocate for the Applicants.
2. Similar prayer is made in above two Applications.
3. Respondent No.2-Ganpati Dadu Magdum expired on 25th October 2020. Copy of death certificate is annexed. It is submitted on behalf of Respondent No.1. There is delay in filing this Application. The Applicants relied upon the order passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (C) No.3 of 2020 dated 10th January 2022.

4. Both these Applications, are filed on 21st March 2022. Perused the aforesaid order. In view of that, Application is allowed in terms of prayer clause (a). Necessary amendment be carried out within two weeks and then notice be issued to the newly added Respondent Nos.2a to 2h, returnable on 7th October 2022. Additionally, private notice is allowed. Service affidavit be filed.
5. Learned Advocate appearing for Respondent No.2 may take instructions whether notice can be waived for the legal representatives.
6. Application is disposed of.

INTERIM APPLICATION NO.2391 OF 2022

7. Respondent No.3A – Banda Govind Methe expired on 10th June 2017. Copy of death certificate is annexed. There is delay of 936 days in filing the Application.
8. Learned Advocate for Respondent No.1 opposes the Application. He submitted that legal representatives of Respondent No.3 were brought on record in Second Appeal No.91 of 2012 and present Respondent No.3 was Respondent No.1B in that Appeal. It is true that legal representatives were brought on record in that Appeal and explanation offered is that due to inadvertence similar request is not made in this Appeal. A query is made whether in Second Appeal No.91 of 2012 the legal representatives have appeared. It is submitted that they have not appeared.
9. In view of above and for the reasons stated in the Application, it is allowed in terms of prayer clauses (a), (b) and (c). Necessary amendment be carried out within 14 days and then notice be issued to Respondent Nos.3A(i) and 3A(vii), returnable on 7th October 2022.

Additionally, private notice is allowed. Service affidavit be filed.

10. Application is disposed of.

INTERIM APPLICATION NO.2387 OF 2022

11. Respondent No.2-Ganpati Dadu Magdum expired on 25th October 2020. Copy of death certificate is annexed. There is opposition on behalf of Respondent No.1. For want of instructions, learned Advocate earlier representing Respondent No.2 has not waived notice for legal representatives.

12. In view of above Application is allowed in terms of prayer clause (a). Necessary amendment be carried out within 14 days and then notice be issued to Respondent Nos.2a to 2h, returnable on 7th October 2022. Additionally, private notice is allowed. Service affidavit be filed.

13. Application is disposed of.

CIVIL APPLICATION NO.54 OF 2021

14. Heard.

15. Respondent No.1(b)(ii)-Santosh Banda Methe expired on 23rd April 2019. Copy of death certificate is annexed. According to the Applicants, he was unmarried and there are no legal heirs. It is confirmed by learned Advocate for Respondent No.1. Hence Application is allowed in terms of prayer clause (a). Necessary amendment be carried out within 14 days and then notice be issued to the Respondents, returnable on 7th October 2022. Additionally, private notice is allowed. Service affidavit be filed.

16. Application is disposed of.

SECOND APPEAL NOS.275/2006, 276/2002, 91 OF 2012

17. Heard.
18. Issue notice to the Respondents, returnable on 7th October 2022. Additionally, private notice is allowed. Service affidavit be filed.
19. Amended memo of Appeal be supplied to Respondent No.1.

(S. M. MODAK, J.)