

Sharayu Khot.

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

INTERIM APPLICATION NO. 3334 OF 2020

IN

FIRST APPEAL NO. 825 OF 2018

WITH

FIRST APPEAL NO. 825 OF 2018

WITH

INTERIM APPLICATION NO. 214 OF 2020

WITH

CIVIL APPLICATION NO. 3802 OF 2019

**Kamladevi w/o. Manekchand Bacha & Ors. ...Applicants/
Appellants**

Versus

Hiralal Sankata Thakur & Ors. ...Respondents

And

**Tejprakash Ramgopal Bhat & Ors. ...Respondents
(Prop. Respondent
Nos. 12 to 16)**

WITH

FIRST APPEAL NO. 563 OF 2018

Mr. S.D. Mogre for the Applicants/Appellants.

Ms. Vrushali Pokharna a/w Mr. Amol Bavare for the Respondent Nos.
1A, 1D, 1F.

Mr. Kadam Pradip Rajaram for the Respondent No. 2.

CORAM : R.I. CHAGLA J

DATE : 22 November 2022

ORDER :

1. Heard learned Counsel for the Applicants/Appellants.
2. By this Interim Application, the Applicants are seeking permission to delete the name of the deceased Appellant No. 4 and to bring the proposed Respondent Nos. 1 to 5 (as Respondent Nos. 12 to 16) in the Memo of Appeal and other proceedings.
3. The Applicants state that the original Appellant No. 4 expired on 9th January 2020 at District Jaunpur, U.P. Copy of death certificate is annexed at Exh.A to the Interim Application. Original Appellant No. 4 has left behind her, as the only legal heirs and representatives the proposed Respondent Nos. 12 to 16 who are the sons and married daughters of the deceased.
4. Accordingly, the present Interim Application has been taken out.

5. Having considered the averments in the Interim Application as well as noting that the original Appellant No. 4 had expired on 9th January 2020, the death certificate annexed at Exh.A to the Interim Application as well as the Interim Application being filed within the time i.e. 11th March 2020, the proposed Respondent Nos. 12 to 16 are required to be brought on record.

6. Accordingly, the relief sought for in the Interim Application is granted. Hence the following order :-

(i) The Applicants shall delete the name of the deceased Appellant No. 4 and bring on record the Respondent Nos.1 to 5 as Respondent Nos. 12 to 16 in the Memo of Appeal and other proceedings.

(ii) Amendment shall be carried out within a period of two weeks from the date of this order.

(iii) Interim Application No. 3334 of 2020 is accordingly disposed of.

(iv) Stand over remaining matters to 3rd January 2023.

[R.I. CHAGLA J.]