

sg

29.sa592-22.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.592 OF 2022

WITH

INTERIM APPLICATION NO.17468 OF 2022

IN

SECOND APPEAL NO.592 OF 2022

WITH

CIVIL APPLICATION NO.1506 OF 2018

Surekha H. Pawar

...Appellant/Applicant

vs.

Kisanrao S. Ghodke (deceased) & Ors.

...Respondents

....

Mr. Sham Thakur, a/w. Mr. J.M. Joshi, for the Appellant/Applicant.

Mr. Abhishek P. Deshmukh, a/w. Mr. Digvijay Palande, for the Respondents.

....

CORAM : S.M. MODAK, J.

DATE : 19 AUGUST 2022

P.C. :

INTERIM APPLICATION NO.17468 OF 2022

The sole Respondent Kisanrao expired on 26 April 2021.
The Applicant got knowledge as per the e-mail sent by Advocate for the

Respondents. Copy is annexed at page 9. The details of LRs are also given. Learned Advocate Mr. Deshmukh waives for proposed LRs. In view of that, the application is allowed in prayers of (a). Necessary amendment be carried out within two weeks. Amended copy be served on the newly added Respondents through the learned Advocate.

2. Interim application is disposed of.

Second Appeal No. 592 of 2022

Learned Advocate Mr. Deshkukh waives notice for newly added Respondents. Send reminder letter for calling record and proceedings. Even both the parties at liberty to place necessary documents on record.

2. Stand over to 28 September 2022.

Civil Application No.1506 of 2018

Learned Advocate for the Applicant/Appellant requested to extend the interim relief granted by this Court earlier. It is opposed on behalf of newly added Respondents for the reason that as on today, there is no interim relief and the Applicant has not taken steps for extension of the interim relief. My attention is invited to the order dated 18 March 2021. On that date, the matter was adjourned to 23 April 2021

and ad-interim relief granted earlier was continued. On 23 April 2021, and thereafter, no steps were taken on behalf of the Appellant whereas the Applicants submitted that they have moved an application bearing No.17468 of 2022 for bringing the LR of sole Respondent on the basis of intimation received as per the e-mail dated 22 June 2021.

2. There is a decree passed asking the present Appellant to remove the encroachment. Be that as it may, after taking instructions from newly added Respondent No.3 Gurudatta Kisanrao Ghodke, his Counsel submitted that as on today they have not filed execution proceedings.

3. In view of that, the matter be kept on 28 September 2022. If the Applicant/Appellant has any other apprehension, he may move the the Court by intimating the Respondents.

(S.M. MODAK, J.)