

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.22 OF 2022
WITH
INTERIM APPLICATION NO.2250 OF 2022
WITH
INTERIM APPLICATION NO.2246 OF 2022
WITH
INTERIM APPLICATION NO.2249 OF 2022
IN
SECOND APPEAL NO.579 OF 1988

Trimbak Nivrutti Yadav (Deceased)]
Through LRs. & Ors.] ... Applicants
Vs.
Laxmibai Genu Yadav & Ors.] ... Respondents

...

Mr.Rupesh K. Bobde for the Applicants.

Mr.Sharad Bhosale i/b Mr.Dilip Bodke for the Respondent No.2A.
...

CORAM : SMT. BHARATI DANGRE, J.
DATED : 08TH APRIL, 2022.

P.C. :-

CIVIL APPLICATION NO.22 OF 2022

1. By the present application, the legal heirs of respondent No.4b are sought to be brought on record in the wake of her demise on 09/11/2013.

In bringing the application, there is a delay of 5 years and 129 days and the same is sought to be explained by submitting that it is only when the respondents informed the applicants that respondent No.4b has died and it would be necessary to bring his legal heirs, in absence of which the appeal shall stand abated. Thereafter the steps were taken by the applicants to ascertain the details about her heirs and an application was moved on 13/06/2019.

2. On hearing the learned counsel for the applicants and on perusal of the application, the delay is justified since from the date of knowledge that respondent No.4b has expired, the application is filed on 13/06/2019. In any case, the heirs of respondent No.4b are necessary to be brought on record in the proceedings, which is pending in the Court since 1988.

The application is allowed in terms of prayer clauses (b) and (c). The necessary amendment shall be carried out within a period of two weeks from today.

On the amendment being effected, the Registry shall issue notice to the newly added respondents, making it returnable on 27/06/2022.

INTERIM APPLICATION NO.2250 OF 2022

3. By the present application, the applicants seek the legal representatives of 4b(i) to be brought on record, since he has expired on 30/10/2021.

The application, being filed without any delay, deserves to be allowed and it is accordingly allowed in terms of prayer clause (c). Necessary amendment be carried out within a period of two weeks from today.

On the amendment being effected, the Registry shall issue notice to the newly added respondents, making it returnable on 27/06/2022.

INTERIM APPLICATION NO.2246 OF 2022

4. By the present application, the applicants seek the legal representatives of 5b to be brought on record, since he has expired on 01/09/2021.

The application, being taken within the extended period of limitation in terms of the order of the Hon'ble Supreme Court and to be precise on 05/03/2022, the same deserves to be allowed. Accordingly, it is allowed in terms of prayer clause (c). Necessary amendment be carried out within a period of two weeks from today.

On the amendment being effected, the Registry shall issue notice to the newly added respondents, making it returnable on 27/06/2022.

INTERIM APPLICATION NO.2249 OF 2022

5. By the present application, the applicants seek the legal representatives of 9b to be brought on record, since he has expired on 25/12/2021.

The application, being taken within the extended period of limitation in terms of the order of the Hon'ble Supreme Court and to be precise on 05/03/2022, the same deserves to be allowed. Accordingly, it is allowed in terms of prayer clause (c). Necessary amendment be carried out within a period of two weeks from today.

On the amendment being effected, the Registry shall issue notice to the newly added respondents, making it returnable on 27/06/2022.

SECOND APPEAL NO.579 OF 1988

6. The Second Appeal is of the year 1988 and it is high-time that it deserves a final hearing. Since the R & P is received, the Registry shall expedite the printing of the paper-book.

5. List the Second Appeal on 27/06/2022 for fixing up a date for final hearing.

[SMT. BHARATI DANGRE, J.]