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

**CIVIL APPLICATION NO.1997 OF 2017
IN
WRIT PETITION NO.5606 OF 2017**

Sampatrao Sakharam Buchade ... Applicant
Versus
Dhanaji Sakharam Buchade & Ors. ... Respondents

None for the Applicant.

Mr. Swaroop Kanade h/f Surel Shah for Respondent Nos.1, 2(a), 2(c) & 5.

CORAM : S. M. MODAK, J.

DATED : 15TH JULY 2022

P.C. :

1. Heard learned Advocate for Respondent Nos.1, 2(a), 2(c) and Respondent No.5. Amongst them Respondent No.1-Dhanaji is the Plaintiff in partition suit which is pending before the trial Court. His amendment application was allowed by the trial Court and it is challenged by Sampatrao Buchade, who was one of the Defendant.
2. The present Respondent No.19 Mrs.Shalan Sampat Buchade expired on 20th October 2015, a copy of the death certificate is annexed. Respondent Nos.19(a) to 19(e) are her legal representatives.
3. Today, none is present on behalf of the Applicant/Petitioner. A copy

of this application is also not served. However, after hearing learned Advocate, I feel that this application can be allowed today.

4. The legal representatives of Mrs. Shalan Sampat Buchade needs to be brought on record. The original Plaintiff is certainly interested for earlier hearing of the Writ Petition as the order of amendment is challenged in this Writ Petition. Even though other Respondents are not served, there is no impediment in deciding the application considering its nature. Hence the Application is allowed. Necessary amendment be carried out.

5. Notice be issued to the legal representatives. Copies be supplied to the office for service within three weeks. If the copies are not supplied necessary orders will be passed.

(S. M. MODAK, J.)