

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4286 OF 2021
IN
SECOND APPEAL NO.480 OF 2021
ALONG WITH
INTERIM APPLICATION NO.4285 OF 2021

Ram Mukund Dhasade (Deceased)]
Through LR's. & Ors.] ... Applicants

Vs.

Ravindra Shantaram Dhasade & Ors.] ... Respondents

...

Mr. Ashwin Pimpale i/b Mr. Rameshwar N. Gite for the applicants.

Mr. Pratap Patil for respondent No.1.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH MARCH, 2022.

P.C. :-

1. By the present interim applications, the legal heirs of respondent Nos.4 and 5 are sought to be brought on record, in the

wake of their demise.

2. The learned counsel for respondent No.1 raises a serious objection about bringing the legal heirs of respondent Nos.4 and 5 on record, since he submits that they were parties in R.C.S. No.126 of 2002 and in Civil Appeal No.257 of 2013, they were added as appellant Nos.3 and 4. However, during the pendency of the civil appeal, they expired and their legal heirs were never brought on record.

3. By inviting my attention to the title clause of the present appeal, the learned counsel submits that they have been impleaded as respondent Nos.4 and 5 through their legal heirs, though the appeal filed by them had abated in the wake of their death, when the appeal was pending in the appellate court.

4. The learned counsel for the appellants to take instructions about their deletion, from the title clause of the appeal.

5. For the above reasons, the interim applications are dismissed.

6. List the second appeal on 31/03/2022.

[SMT. BHARATI DANGRE, J.]