

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (S) NO.365 OF 2020

WITH

CIVIL APPLICATION (S) NO.404 OF 2022

IN

SECOND APPEAL NO.147 OF 2018

[Gangubai Mukundrao Tappe ..Vrs.. Gitabai Bhimrao Borekar and
Anr.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions*

Court's or Judge's order and Registrar's orders.

Ms. A. Dangre h/f Shri. H. D. Dangre, Advocate for the Applicant.

CORAM : S. M. MODAK, J.

DATE : 13th JUNE, 2022.

1. Heard. Respondent No.1 Gitabai Bhimrao Borekar expired on 12th of May, 2014. Copy of death certificate is annexed. The appellant got knowledge when the notices of Second Appeal were issued to respondents. Bailiff has informed about her death. The appellant has given the names of only three legal representatives, which are mentioned in paragraph 4 of Civil Application No.365 of 2020. However, when respondent no.2-Shirish filed a pursis mentioning that Bhimrao Sukhdeora Borekar is also one of the legal representatives being husband of Respondent No.1 Gitabai. Then appellant has filed Civil Application No.404 of 2022, thereby giving four names of legal representatives of deceased Respondent No.1 Gitabai.

2. Learned Advocate for proposed legal representatives waives a notice and undertakes to file power on their behalf.

3. It is submitted that respondent nos.1 and 2 were the appellants before the First Appellate Court and even though, Gitabai expired,

her son Shirish has prosecuted the first Appeal.

4. In view of the above, both the applications are **allowed**. Name of respondent no.1 be deleted and names of the legal representatives at Serial Nos. a, b and c mentioned in paragraph 5 of Civil Application No. 404 of 2022 be added and Respondent No.2- Shirish be described as legal representative of the deceased Respondent No.1.

5. Learned Advocate to file power/pursis for newly added respondents.

6. Matter be kept after **three weeks**.

JUDGE

TAMBE

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