

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**CIVIL APPLICATION (S) NO. 324/2022 IN
SECOND APPEAL NO. 470/2018**

(Smt. Roopa w/o Sanjay Mukte Vs. Smt. Sheelprabha wd/o Chandrasen &
ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S. N. Mahajan, Advocate for appellant/applicant.
Mr. A. Y. Khare, Advocate for respondent Nos. 1 to 3 & 7.

CORAM : MANISH PITALE J.

DATE : 29.03.2022

This is an application filed on behalf of applicant/appellant for deletion of name of respondent No. 1 as she has expired and her legal representatives are already on record in this appeal.

2. In view of above, application is allowed and respondent No. 1 is deleted from the array of respondents.

3. Amendment be carried out forthwith.

CIVIL APPLICATION (CAS) NO. 733/2019

1. This is an application styled as an application for amendment of the Second Appeal

under Order VI Rule 17 of the Civil Procedure Code. The respondents have filed their reply and opposed the present application. Considering the contents of the application, this Court is of the opinion that the aforesaid application is essentially an application under Order XLI Rule 27 of the the Civil Procedure Code, whereby the applicant/appellant is seeking to place on record certain documents. As per settled law, such application can be considered at the stage of final hearing of the appeal.

2. Learned counsel for the parties submit that since the substantial question of law has been already framed by this Court, this appeal could be finally decided at admission stage.

3. Hence, list for final hearing in the week commencing from 13.06.2022. Civil application No. 733/2019 shall be treated as an application under Order XLI Rule 27 of the Civil Procedure Code to be taken up for consideration at the stage of final hearing.

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JUDGE