

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

CIVIL APPLICATION (CAS) NO. 1344 OF 2022
IN
SECOND APPEAL NO. 26 OF 2022

Jago S/o. Lahanu Mujbaile (Dead)

...**VERSUS**...

Ramesh Natthuji Lade (Dead) thr. LRs. Bandu Natthuji Lade and ors.

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

Court's or Judge's order

Ms. Vaishali Khadekar, Advocate for appellant.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 23rd DECEMBER, 2022

The present application is filed for leave to file Second Appeal through legal heirs.

2. It is submitted that during the pendency of First Appeal bearing RCA No. 184/2011, the appellant expired on 13/10/2018. However, this fact could not be intimated by the legal heirs to the concerned counsel who was representing the First Appeal and the First Appeal came to be dismissed on 21/09/2021.

3. It is further submitted that the legal heirs of the appellant are illiterate persons. As the right to sue survives, leave is granted to file Second Appeal through legal heirs of the appellant – Jago Lahanu Mujbaile.

4. In view of leave granted to the legal heirs of the appellant to file Second Appeal, permission is granted to the learned counsel for legal heirs to amend the cause title of Second Appeal.

5. Accordingly, the application is disposed of.

CIVIL APPLICATION (CAS) NO. 101 OF 2022

The learned counsel for the applicants on instructions do not want to press this application. Accordingly, the present application is disposed of as withdrawn.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar