

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.5272 OF 2021 IN
FIRST APPEAL NO. 3007 OF 2016**

Ashok s/o Shravan Patkar
and another

Applicants

Versus

Smt. Annapurna Anant Adawatkar
and others

Respondents

Mr. A. D. Sonkawade, advocate holding for Mr. A. V. Hon,
advocate for the Applicants

**AND
CIVIL APPLICATION NO. 8529 OF 2019 IN
FIRST APPEAL NO. 3007 OF 2016**

Dinkar s/o Anant Adavatkar

Applicants

Versus

Ashok s/o Shravan Patkar
and others

Respondents

Applicant Party-in-person present.

Mr. A. D. Sonkawade, advocate holding for Mr. A. V. Hon,
advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st March, 2023.

PC :

Heard learned Counsel for the applicants in C.A. No. 5272 of 2021 and applicant, party-in-person in C. A. No. 8529 of 2019.

By way of Civil Application No. 5272 of 2021, the applicants wants to bring on record legal representatives of deceased Respondent No.1 – Annapurna Anant Adavatkar on record by condoning delay of 6893 days. The names of legal heirs of Smt. Annapurna are mentioned in this application. However, the applicant in CA No. 8529 of 2019, who is party-in-person – Shri Dinkar Anant Adavatkar is also claiming that he is one of the legal representatives of deceased Smt. Annapurna, being her son. He has also produced on record copy of compromise decree in RCS No.444 of 1964. On perusal of the same, it appears that he is also son of deceased Smt. Annapurna. The name of Shri Dinkar is not included in the legal representatives shown in Civil Application No. 5272 of 2021.

The learned Counsel for the applicants, in Civil Application No. 5272 of 2021, fairly submits that if this Court is of the opinion that Shri Dinkar Anant Adavatkar is also one

of the legal representatives of deceased Smt. Annapurna, his name be added in the appeal itself. The party-in-person Shri Dinkar Anant Adavatkar, by filing Civil Application No. 8529 of 2019, is also claiming that he be added as party respondent in the appeal.

Thus, it seems that there is no dispute in respect of adding Shri Dinkar Anant Adavatkar as respondent in the appeal, being one of the legal representatives of deceased Smt. Annapurna. It is significant to note that all the legal heirs of deceased Smt. Annapurna are to be brought on record.

In view of the same, Civil Application No. 5272 of 2021 stands allowed in terms of prayer clauses {A} and {B}.

Likewise, Civil Application No. 8529 of 2019 is also allowed in terms of prayer clause {B} and the applicants in Civil Application No. 5272 of 2021 are directed to add party-in-person Shri Dinkar Anant Adavatkar as respondent in the main appeal, being one of the legal representatives of deceased Smt. Annapurna. All the contentions raised by the party-in-person Shri Dinkar Anant Adavatkar, in his other

pending Civil Applications, are kept open which can be considered at the time of final hearing of the appeal. The amendment be carried out within stipulated period.

Notice be issued to all the legal representatives of deceased Smt. Annapurna, returnable on 29.03.2023, except Mr. Dinkar Anant Adavatkar, who is present before this Court.

(SANDIPKUMAR C. MORE)
JUDGE

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