

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

**938 CIVIL APPLICATION NO.3772 OF 2020
IN
SA/588/2011 WITH CA/3410/2015 IN SA/588/2011**

JAGAN DAJI DESHMUKH DECEASED THROUGH LRS HIRABAI
JAGANNATH DESHMUKH AND ORS
VERSUS
DATTATRAYA YESHWANT DESHMUKH DECEASED THROUGH LRS
CHANDRAKALABAI AND OTHERS

...

Advocate for Applicants: Mr. R. D. Bhalerao

Advocate for Respondent No.1-D:

Mr. P. P. Patni h/f. Mr. A. S. Bajaj

...

CORAM: ARUN R. PEDNEKER, J.

DATE: 28th JUNE, 2023

PER COURT:

1. Civil Application No.3772 of 2020 is filed for bringing on record the legal heirs of respondent no.1.

2. Mr. P. P. Patni holding for Mr. A. S. Bajaj, learned counsel appears for the said legal heirs and has objected to the same.

3. However, this is an admitted second appeal and that the learned counsel for the applicants was not aware of the demise of the

respondent no.1, in view of the same, the delay of 356 days is caused.

4. Delay is condoned. Abatement, if any, is set aside.

5. The learned counsel appearing for the legal heirs submits that respondent no.1-A has also expired. The learned counsel for the appellant submits that the legal heirs of respondent no.1-A are already on record qua the other respondents in the matter and that no steps are required.

6. The learned counsel for the applicants is permitted to delete respondent no.1-A.

7. In view of the same Civil Application No.3772 of 2020 is allowed. Necessary amendment be carried out within a period of three (03) weeks from today.

8. The learned counsel for the appellants to serve the copy of the main appeal to the learned counsel appearing for the respondents.

[ARUN R. PEDNEKER, J.]

marathe