

SPChauhan

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

CIVIL APPLICATION NO. 8301 OF 2015
IN
CIVIL APPLICATION NO. 1434 OF 2008
WITH
CIVIL APPLICATION NO. 3596 OF 1999
IN
SECOND APPEAL STAMP NO. 9810 OF 1998

Padmavati W/o. Ganpatrao Hule Died
LRs Pushpa W/o. Ashok Hule and others ... Applicants

Versus

Panditrao S/o. Bajirao Wabale Died
LRs Asha W/o. Panditrao Wabale and others ... Respondents

....
Mr. P.B. Shirsath – Advocate for Applicants

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CORAM : GAURI GODSE, J.
DATE : 09th January, 2023

PER COURT :

1. This application is for issuing fresh notice to respondent nos. 7-4 in Civil Application No. 1434 of 2008. Prayer is also made by the applicants to issue fresh notice to respondent nos. 1-G, 4-B and 6-H in Civil Application No. 3596 of 1999. There is also prayer made for deleting the respondent nos. 4-B, 6-B and 10-E from Civil Application No. 3596 of 1999 as well as Second Appeal Stamp No. 9810 of 1998. As far as these prayers are concerned, prayer clauses 'a', 'b' and 'c' can be allowed.

2. As far as prayer clause 'd' is concerned, the applicants are granted liberty to file fresh application for the said prayer.

3. Prayer clause 'c' is allowed and the applicants are permitted to delete respondent nos. 4-B, 6-B and 10-E, at their own risk.

4. Prayer clauses 'a' and 'b' are allowed and office is directed to issue fresh notice to respondent nos. 7-4 in Civil Application No. 1434 of 2008 and respondent nos. 1-G, 4-E and 6-H in Civil Application No. 3596 of 1999.

5. Present Civil Application is allowed in terms of prayer 'a', 'b' and 'c', which reads thus :

“a. The fresh notice on Respondent Nos. 7-4 in Civil Application No. 1434 of 2008 may kindly be issued.

b. The fresh notice on Respondent Nos. 1-G, 4-E and 6-H in Civil Application No. 3596 of 1999 may kindly be issued by extending time.

c. The names of Respondent Nos. 4-B, 6-B and 10-E may kindly be permitted to be deleted from

Civil Application No. 3596 of 1999 and Second
Appeal Stamp No. 9810 of 1998.”

6. Notices made returnable on 06th March, 2023.
7. Necessary amendment as per prayer clause ‘c’ to be carried out within a period of two weeks from today.
8. Application is disposed of in above terms.

[GAURI GODSE]
JUDGE