



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5356 OF 2023 IN SA/872/2009

SHARYU MURLIDHAR NEMADE AND OTHERS
VERSUS
CHHABILDAS TUKARAM KHADAKE AND OTHERS

Advocate for Applicants : Mr. G. S. Rane;
Advocate for Respondent No.1 : Mr. L. V. Sangit;
Advocate for Respondents No.6A to 6D, 7A to 7C : Mr. S. H. Tripathi

CORAM : S. G. MEHARE, J.
DATE : 14-12-2023

PER COURT :-

1. Heard the learned respective counsels for appearing parties.
2. This is an application for adding successors in appeal. The successors in interest arising out of Will deed executed by deceased respondent No.5 were served with notice. They have been arraigned as respondents No.10 and 11. However, they did not appear.
3. Learned counsel for the applicants submits that since deceased respondent No.5 was party to the original suit, the beneficiaries of his being are necessary parties to adjudicate the issues finally.
4. The application is not opposed. There is a substance in the submissions of the learned counsel for the applicants. Since respondents No.10 and 11 acquired interest from the Will of deceased respondent No.5, they are necessary parties.
5. For the above reasons, the civil application is allowed. Necessary amendment be carried out.
6. After the amendment is carried, issue notice to respondents No.10 and 11, returnable on 09.02.2024.

(S. G. MEHARE, J.)