

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

916 SECOND APPEAL NO.337 OF 2023
WITH CA/7935/2023 WITH CA/7934/2023 IN SA/337/2023

KONDABAI RAMCHANDRA TELANGE
VERSUS
AJAY KHANDUKUMAR TELANGPURE PARIT MINOR

...
Advocate for Appellants : Mr. G.D. Kale
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CORAM : ARUN R. PEDNEKER, J.
DATED : 28/07/2023

PER COURT :

1. The learned counsel submits that the appellants herein were original plaintiffs. Trial Court decreed the suit. The defendants therefore approached before the Appellant Court and the appeal has been allowed by the Appellate Court. The learned counsel submits that during the pendency of appeal, plaintiff No. 2 died and the defendants have not brought them on record. It is his contention that the decree passed by the Appellate Court is not binding upon the legal heirs of the deceased plaintiff No. 2. They are not party before the Appellate Court. In view of the same, the delay of 1581 days is caused in filing Civil Application No. 7935/2023.
2. For the reasons stated in the application, Civil Application No. 7935/2023 is allowed. L.Rs. of appellant No. 2 be brought on record. Amendment, if any, be carried out within two weeks.
3. List the matter on 25.8.2023.

[ARUN R. PEDNEKER J.]

ssc/