

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

**CIVIL APPLICATION NO. 1415 OF 2022
IN
SECOND APPEAL NO. 371 OF 2018**

**KANTABAI TABAJI DEOKHALE
VERSUS
TARABAI BHAUSAHEB WADEKAR AND OTHERS**

Mr.PN. Sonpetkar, Advocate for the applicant.
Mr.PF.Patni, Advocate for respondent No.1.
Mr.A.P. Bhandari, Advocate for respondent Nos.3 and 4.
Mr.D.K. Kulkarni, Advocate for respondent No.5.

**CORAM : KISHORE C. SANT, J.
DATED : 19.10.2023**

PC :-

01. This Civil Application is filed by Kantabai – wife of original appellant deceased Tabaji Deokhale for transposing respondent Nos.3 and 4 who are daughters of deceased appellant and to allow to add herself as appellants in this case, as she claims to have derived right on the basis of will executed by deceased Tabaji. Copy of the will is annexed with the application. It is seen from the recitals of the will that he has bequeathed property of 1 Hectare 40 Gunthas from Gat No.31 at Sahjapur in the name of respondent Nos. 3 and 4. The property Gat No.69 to the extent of land admeasuring 1 Hectare 24 Gunthas and land Gat No.71 land to the extent of 17 Gunthas is bequeathed to the present applicant and daughters in equal share.

02. Considering this, this Court finds that Kantabai is necessary party. At the same time, the respondent Nos. 3 and 4 also will have right to prosecute the appeal.

03. Therefore, the application is allowed. Kantabai is permitted to prosecute the appeal. Respondent No.3 Sakhubai and respondent No.4 Vanita are allowed to transpose as appellants. The title clause be amended within two weeks from today.

04. It is made clear that this application is allowed only for the purpose of prosecuting the appeal. The validity of the will and the rights of the parties will be decided in the substantive proceeding.

05. A technical application is raised by the learned Advocate for the respondents that there cannot be two advocates representing the same appellant. The learned Advocate for the appellant to take steps. Place the appeal on Board dated 30.11.2023.

06. The Civil Application stands disposed off.

[KISHORE C. SANT, J.]