

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

52 CIVIL APPLICATION NO.14395 OF 2022 IN SAST/27212/2022

RAMESH SITARAM PATIL DIED LRS. SMT SHOBHABAI RAMESH PATIL
AND ORS.

VERSUS

KALPANABAI ASHOK CHAUDHARI

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Advocate for Applicants : Mr. Raje Vikrant P.
Advocate for Respondent : Mr. Sushil P. Pandit

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CORAM : S. G. CHAPALGAONKAR, J.

Dated: August 17, 2023

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PER COURT :-

1. By this application, the applicants are seeking permission to prosecute the second appeal being legal representatives of original defendant Ramesh Sitaram Patil.
2. Mr. Raje, learned advocate appearing for the applicants submits that the first appellate court proceeded with the appeal when Ramesh Patil had already expired and present applicants had tendered their application for bringing them on record of the appeal as legal heirs. Said application remained undecided and first appellate Court passed final judgment and order in appeal. He, therefore, submits that the applicants be permitted to file second appeal.
3. Learned counsel appearing for the respondents formally objected the application.
4. Considering the submissions advanced, it is apparent that the applicants being heirs of deceased defendant Ramesh Patil would be entitled to prosecute the second appeal.
5. In that view of the matter, application is allowed in terms of prayer clause 'B'. C.A. disposed off.

(S. G. CHAPALGAONKAR, J.)