

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12419 OF 2023
IN FIRST APPEAL NO.2826 OF 2008
WITH
FIRST APPEAL NO.2826 OF 2008

SMT. SHILPA WD/O. ATUL MUNOT AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

...
WITH
FIRST APPEAL NO.1545 OF 2008

CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : 11th October, 2023.

ORDER :-

. Issue notice to the respondent. Learned Advocate Mr. M. K. Goyanka waives notice for the respondent.

2. Civil Application No.12419 of 2023 has been filed on the count that applicant Nos.2 and 3 have become major. In view of the contents of the application and the fact from the record itself it can be seen that applicant Nos.2 and 3 have become major and, therefore, they are at liberty to protect their own interest in the appeal as well as in respect of the another appeal, which has been filed by the MSRTC. No doubt, the MSRTC has not filed application seeking similar amendment, however, the fact has come on

record that when they have achieved the majority, the other technicalities need not be insisted upon. Hence, the application stands allowed and disposed of.

3. Both the parties are directed to carry out the amendment immediately.

4. We also say that since we are permitting the MSRTC to carry out the amendment in First Appeal No.1545 of 2008, wherein the present applicant Nos.2 and 3 are the respondents, the respondent No.1, who has been shown as guardian, stands discharged and since now the learned Advocate Mr. Gholap has appeared for major applicant Nos.2 and 3, he may file pursis in First Appeal No.1545 of 2008 regarding his appearance. Learned Advocate Mr. Gholap submits that he has already filed the Vakalatnama. Under the said circumstance, the formalities are complete. Parties are put to notice that if it is convenient, the matter would be finally heard on 01.11.2023.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm