

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1140 OF 2023
WITH
INTERIM APPLICATION NO. 1103 OF 2023
WITH
INTERIM APPLICATION NO. 1141 OF 2023
WITH
INTERIM APPLICATION NO. 1098 OF 2023
WITH
REJECTED CASE NO. 873 OF 2012
IN
SECOND APPEAL NO. 234 OF 1995**

1B(a) Dada Waman Waje and ors. Applicants
v/s.
1a. Sakhubai Keru Waje and ors. Respondents

**WITH
INTERIM APPLICATION NO. 30102 OF 2022
WITH
INTERIM APPLICATION NO. 1101 OF 2023
WITH
INTERIM APPLICATION NO. 30106 OF 2022
WITH
INTERIM APPLICATION NO. 30104 OF 2022
WITH
REJECTED CASE NO. 661 OF 2013
IN
SECOND APPEAL NO. 235 OF 1995**

1B(a) Dada Waman Waje and ors. Applicants
v/s.
1a. Sakhubai Keru Waje and ors. Respondents

Ms. Aditi Naikare i/b. Mr. Pradeep Thorat for the Applicants.
Mr. Sarfaraj Shaikh i/b. Sachin Gite for the R.Nos.1, 2A, 2B.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th OCTOBER, 2023.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 1101 OF 2023 :-

. By this Application, the Applicants have sought to condone the delay and to restore the Rejected Case No.873/2012 which was filed to bring on record legal representatives of the deceased Appellant No.1(c).

2. Learned counsel for the Respondents has no objection. Hence, the Application is allowed. Delay is condoned. Rejected Case No.873/2012 stands restored to file.

3. Interim Application No.1101/2023 stands disposed of.

ORDER IN INTERIM APPLICATION NO. 30106 OF 2022 :-

4. By this Application, the Applicants have sought to bring on record the legal representatives of the deceased Respondent No.2(a). The Application is within time. Hence, the legal representatives of deceased Respondent No.2(a) are allowed to be brought on record. Cause title be amended within a period of two weeks. Issue notice to the legal representatives of deceased Respondent No.2(a) in Second Appeal, returnable on **30/10/2023**. Private service is permitted.

5. Interim Application No.30106/2022 stands disposed of.

ORDER IN INTERIM APPLICATION NO. 30104 OF 2022 :-

6. By this Application, the Applicants have sought to bring on record the legal representatives of deceased Respondent No.1(b). The Application is within time. Hence, the Application is allowed. Legal representatives of deceased Respondent No.1(b) are ordered to be brought on record. Cause title be amended within a period of two weeks. Issue notice to the legal representatives of deceased Respondent No.1(b) in Second Appeal, returnable on **30/10/2023**. Private service is permitted.

7. Interim Application No.30104 of 2022 stands disposed of.

ORDER IN INTERIM APPLICATION NO. 1103 OF 2023 :-

8. Learned counsel for the Applicants seeks leave to amend the prayer clause as to correct year of the Application. Leave granted. Amendment to be carried out forthwith.

9. By this Application, the Applicants have sought to condone the delay and to restore the Rejected Case No.661/2013 which was dismissed for non-compliance of the conditional order. Learned counsel for the

Applicants states that the office objections will be removed within a period of two weeks. Learned counsel for the Respondents has no objection. Hence, the delay is condoned. Rejected Case No.661/2013 stands restored to file.

10. Interim Application No.1103/2023 stands disposed of.

ORDER IN INTERIM APPLICATION NO. 1141 OF 2023 :-

11. By this Application, the Applicants have sought to bring on record the legal representatives of the deceased Respondent No.2(a). The Application is within time. Hence, the Application is allowed. Legal representatives of the deceased Respondent No.2(a) are allowed to be brought on record. Cause title be amended within a period of two weeks. Issue notice to the legal representatives of deceased Respondent No.2(a) in Second Appeal, returnable on **30/10/2023**.

12. Interim Application No.1141/2023 stands disposed of.

ORDER IN INTERIM APPLICATION NO. 1140 OF 2023 :-

13. By this Application, the Applicants have sought to bring on record the legal representatives of the deceased Respondent No.1B. The Application is within time. Hence, the Application is allowed. Legal

representatives of the deceased Respondent No.1B are ordered to be brought on record. Amendment to be carried out within a period of two weeks. Issue notice to the legal representatives of deceased Respondent No.2B in Second Appeal, returnable on **30/10/2023**. Private service is permitted.

14. Interim Application No.1140/2023 stands disposed of.

ORDER IN CIVIL APPLICATION NO. 33800 OF 2011 :-

15. Not on board. Upon being mentioned, taken on board.

16. This Civil Application is restored to file in view of the order passed today in Interim Application No.1103/2023. By this Application, the Applicants have sought leave to bring on record the legal representatives of deceased Applicant No.1(c). The Application is within time. Hence, the Application is allowed. Legal representatives of deceased Applicant No.1(c) are ordered to be brought on record. Cause title be amended within a period of two weeks. Issue notice to the legal representatives of deceased Applicant No.1(c) in Second Appeal, returnable on **30/10/2023**. Private service is permitted.

17. Civil Application stands disposed of.

ORDER IN CIVIL APPLICATION NO. 33798 OF 2011 :-

18. Not on board. Upon being mentioned, taken on board.

19. This Civil Application is restored in view of order passed today in Interim Application No.1101/2023. By this Application, the Applicants have sought to bring on record the legal representatives of deceased Applicant No.1(c). The Application is within time. Hence, the Application is allowed. Legal representatives of deceased Applicant No.1(c) are ordered to be brought on record. Amendment to be carried out within a period of two weeks. Issue notice to the legal representatives of deceased Applicant No.1(c) in Second Appeal, returnable on **30/10/2023**. Private service is permitted.

20. Civil Application stands disposed of.

ORDER IN INTERIM APPLICATION NO. 30102 OF 2022 AND**ORDER IN INTERIM APPLICATION NO. 1098 OF 2023 :-**

21. By these Applications, the Applicants have sought expeditious hearing of the Second Appeal Nos.234/1995 and 235/1995. Considering that the Appeals are of the year 1995, the same be listed on final hearing board in the week commencing from **30/10/2023**.

22. Interim Application Nos.30102/2022 and 1098/2023 stand disposed of.

ORDER IN SECOND APPEAL NOS. 234/1995 & 235/1995 :-

23. Appellants to furnish amended copy of the Appeal memo within a period of two weeks with copy to the other side.

24. Stand over to **30/10/2023**.

PREETI
HEERO
JAYANI

Digitally signed
by PREETI
HEERO JAYANI
Date: 2023.10.30
17:13:04 +0530

(SMT. ANUJA PRABHUDESSAI, J.)