

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4008 OF 2023
IN
FIRST APPEAL NO.166 OF 2020**

Kacharu Dagadu Sangle and others] Applicants

IN THE MATTER BETWEEN:

Kacharu Dagadu Sangle and others] Appellants

Vs.

The State of Maharashtra and another] Respondents

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Ms. Rukmini Khairnar i/b P.N. Joshi, for Applicant.

Ms. Eesha Jaifalkar i/b S.R. Page, for Respondent No.2.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 28th APRIL, 2023.

P.C.

1. Applicant No.7-Sakubai Vasant Ugale has died on 10th July, 2020.

2. This application is moved for bringing her legal representatives on record by setting aside abatement. Right to sue survives to the legal representatives of the deceased and, therefore, application needs to be allowed.

3. Learned Counsel for the applicant has invited my attention that name of deceased Sakubai Vasant Ugale has been incorrectly written as "Sakubai Vasant Ugale" which ought to have been "Sakubai Vasant Ghuge" as depicted in the copy of her death certificate as well as corrected vide order dated 7th September, 2022 passed below Exhibit 23 in Land Reference Darkhast No.09 of 2019 by exercising powers under section 151 and 153 of the C.P.C by Civil Judge, Senior Division Malegaon by which name of the deceased has been corrected as "Sakubai Vasant Ghuge" in place of "Sakubai Vasant Ugale" in the judgment and award passed in Land Reference No.13 to 34, 39 to 49, 63 to 66 and 108 to 110 of the year 2004 dated 15th February, 2018.

4. Therefore, this application is allowed in terms of prayer clause (b).

5. Necessary amendment be carried out within two weeks.

6. Application is disposed of.

[PRITHVIRAJ K. CHAVAN, J.]