

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

**INTERIM APPLICATION NO.3618 OF 2022
WITH
SECOND APPEAL NO.194 OF 1988**

Ramchadra Dattatraya Shinde

.. Applicant

In the matter between

Dattu Babaji Shinde (since deceased)
through his Lrs

1. Smt. Fulabai Dattatraya Shinde & Ors.

.. Appellants

Versus

Maruti Krishna Shinde & Ors.

.. Respondents

Mr.Pradeep Gole a/w Mr.Suraj Shejwal for the appellants.

Mr.Dilip Bodke a/w Mr.Sharad Bhosale for the respondents.

CORAM : JITENDRA JAIN, J.

DATE : 14th September 2023

P.C.:-

. This application is taken by the Applicant to bring on record the legal heirs of the deceased Respondent No.1 since the original Respondent No.1 died on 17th July 2020. There is a delay of two months in filing the present application.

2. I have perused the application and for the reasons set out in paragraphs 3 to 5, the delay in making the application is condoned. The Applicant is directed to amend the appeal by bringing the legal heirs of Respondent No.1 on record. Interim Application is allowed in terms of

prayer clauses (b) and (c). Accordingly the appeal may be amended and the amended copy be served on the respondents.

3. Issue notice to the legal heirs of Respondent No.1 so as to give them an opportunity to engage an advocate on their behalf to defend the appeal.

5. Interim Application No.3618 of 2022 is disposed of in terms of the above order.

JITENDRA JAIN, J.