

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

**INTERIM APPLICATION NO. 2201 OF 2023
WITH
INTERIM APPLICATION NO. 2203 OF 2023
WITH
INTERIM APPLICATION NO. 2208 OF 2023
WITH
CIVIL APPLICATION NO. 698 OF 2004
WITH
CIVIL APPLICATION NO. 1435 OF 2019
IN
SECOND APPEAL NO. 622 OF 2004**

Mahadev Shankar Pawar Appellant
v/s.
Sarjabai Sahebrao Pawar (since
deceased through legal heirs) :
Sitabai Ramrao Roman and ors. Respondents

Mr. Dilip Bodake for the Appellant/Applicant.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th NOVEMBER, 2023.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 2208 OF 2023 :-

. At the outset, learned counsel for the Appellant seeks leave to amend the prayer clause (a) to substitute the words 'Respondent No.3' to 'Respondent No.3A'. Leave granted. Amendment to be carried out forthwith.

2. By this Application, the Applicants have sought to condone the delay and to delete the name of Respondent No.3A from the array of the Defendants. The averments in the application indicate that the Respondent No.5 who is the legal representative of Respondent No.3A is already on record. Learned counsel for the Applicant states that there are not other legal representatives other than Respondent No.5.

3. In such circumstances, there is no reason to seek condonation of delay. Necessary entry be made as against Respondent No.3A in the cause title of the Second Appeal within a period of three weeks.

4. Interim Application stands disposed of.

ORDER IN CIVIL APPLICATION NO. 1435 OF 2019 :-

5. By this Application, the Applicants have sought to bring on record the legal representatives of deceased Respondent No.6. There is delay of 14 days. However, the records indicate that the learned counsel who was representing the Respondent No.6 have not reported the death of Respondent No.6. Hence, the delay is condoned. Legal representatives of deceased Respondent No.6 are ordered to be brought on record. Cause title be amended within a period of three weeks.

6. Civil Application stands disposed of.

ORDER IN INTERIM APPLICATION NO. 2203 OF 2023 :-

7. By this Application, the Applicants have sought to delete the name of deceased Respondent No.4. Since the legal representatives are already on record as Respondent Nos.6(a) to 6(c), Application is allowed. Necessary entry be made as against Respondent No.4 within three weeks.

8. Interim Application stands disposed of.

ORDER IN SECOND APPEAL NO. 622 OF 2004 :-

9. Issue notice to the Respondent No.5 and legal representatives of deceased Respondent No.6, returnable on **11/12/2023**. Leave granted to serve the Respondents by private service.

PREETI
HEERO
JAYANI

Digitally signed by
PREETI HEERO
JAYANI
Date: 2023.11.10
17:16:52 +0530

(SMT. ANUJA PRABHUDESSAI, J.)