

“Nikita

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

**SECOND APPEAL R(ST.)NO.22543 OF 2019
WITH
INTERIM APPLICATION NO.2773 OF 2021
WITH
CIVIL APPLICATION NO.1497 OF 2019
WITH
CIVIL APPLICATION NO.1498 OF 2019**

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Vilas Mohiniraj Joshi and Anr. ... Appellants

V/s.

Padmakar Rangnath Joshi (since dece.
Thr. Legal Heirs)Ratnakar Padmakar
Joshi and Ors. ... Respondents

Mr. Shivaji Masal for the Appellant-Applicant in SA(st)/
22543/2019, IA/2773/2021, CAS/1497/2019, and
CAS/1498/2019.

Mr. Girish Agrawal for the Appellant in SA/275//2022
and Respondent Nos. 2 and 3 in CAS/267/2019.

Mr. P.D. Dalvi, for the Appellant in SA/277/2022 and
Respondent Nos. 1a in CAS/267/2019.

Mr. Aditya P. Shirke for Respondent No.1(b) and 1(c) in
SA(st) No.36190 of 2019.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 14, 2023

P.C.:

1. By the impugned judgments, both the Courts below
dismissed plaintiff's suit.

2. Present appeal is filed by original defendant No.4 and 5. Defendant Nos. 4 and 5 have not filed written statement nor filed counter claim. Therefore, defendant Nos. 4 and 5 have no locus to challenge the dismissal of plaintiff's suit.

3. Hence, the second appeal is dismissed. No costs.

4. In view of dismissal of second appeal, all civil applications and interim applications, if any stands disposed of as infructuous.

(AMIT BORKAR, J.)