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

**INTERIM APPLICATION NO.4446 OF 2023
IN
SECOND APPEAL NO.59 OF 2022**

Vitthal Karbhari Nikam (deceased through Legal Heirs)

1. a) Smt. Rakhmabai Vitthal Nikam and Ors. ...Applicants

In the matter between

Vitthal Karbhari Nikam and Ors. ...Appellants

Versus

Smt. Mirabai Bhausahab Nikam and Ors. ...Respondents

- Mr. Pratik B. Rahade, for the Applicants.

CORAM : MADHAV J. JAMDAR, J.

DATE : 13th JUNE 2023

P.C. :

1. This Interim Application is taken out to bring on record names of Appellant No.1(a) and 1(b) as legal heirs of deceased Appellant No.1. The deceased Appellant No.1 passed away on 19th October 2021 and the present application is filed on 11th October 2022.

2. Mr. Pratik Rahade, learned counsel appearing for the Applicants fairly state that even if the order passed by the Supreme Court of extension of limitation period due to Covid Pandemic between 15th March 2020 to 28th February 2022 is taken into consideration then also there is delay in filing the application. He

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further states that legal heirs i.e. Applicant Nos.1(a) and 1(b) who are sought to be brought on record are already on record in their individual capacity as Appellant Nos.2 and 3. Therefore, Interim Application is allowed in terms of prayer clauses (a) and (b). However, it is clarified that if the Respondents are aggrieved by this order then they are at liberty to file appropriate application.

3. Amendment be carried out within a period of 14 days from today. If the amendment is carried out within time specified then Second Appeal be listed for admission on **4th July 2023**.

[MADHAV J. JAMDAR, J.]