

Ghuge

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

FIRST APPEAL NO.1259 OF 2022

Ramesh Eknath Bankar through PAO
Holder Rahul Ramesh Bankar ... Appellant
V/s.
Nashik Municipal Corporation, Nashik and
Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.1220 OF 2023**

Ramesh Eknath Bankar
(Since Deceased) 1(a) Vijaya Ramesh
Bankar and Ors ... Applicants
V/s.
Nashik Municipal Corporation, Nashik
and Ors. ... Respondent

Ms. Bhavna Khemani i/b P.J. Ahuja for the appellant.

Ms. Tanaya Gosawami AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 15, 2023

P.C.:

INTERIM APPLICATION NO.1220 OF 2023

1. The application has been filed to bring legal representatives of the appellant on record. The applicant have produced on record release deed in relation to property in suit executed by proposed appellants No.1(c) and 1(d) in favour of proposed appellant No.1(b). On perusal of the lease deed it appears that the rights of 1(c) and 1(d) in relation to property in dispute have been released

in favour of 1(b). Therefore, right to sue survives in appellant No.1(b) and appellant No.1(a) and 1(b) needs to be treated as legal representatives to succeed estate of the deceased.

2. For the reasons stated in the application, Interim Application is allowed in terms of prayer clause (b) to (d).

3. Necessary amendment to be carried out within Four (4) week from today.

4. List the First Appeal on **22nd February, 2023**.

(AMIT BORKAR, J.)