

SA Pathan

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

**FIRST APPEAL NO.1838 OF 2005
WITH
INTERIM APPLICATION NO.78 OF 2023**

Dharmendra Bhulan Gupta and Ors. ... Appellants
V/s.
Saheblal Laxman Gupta and Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.1532 OF 2023
IN
FIRST APPEAL NO.1838 OF 2005**

Pintoo Alias Sadan and Gupta ... Appellant
V/s.
Saheblal Laxman Gupta and Ors. ... Respondents

Mr. V. R. Tripathi for the Appellant.

Mr. Nitin Parkhe a/w. Raj J. kapadia for Respondent
Nos.1, 3 & 5.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 21, 2023

P.C.:

INTERIM APPLICATION NO.1532 OF 2023

1. The Application is filed to bring legal representatives of Respondent No.2 on record. The Appeal arises out of Suit for partition. The right to sue survives to the legal representative of the Respondent No.2. The legal representatives have not caused their appearance despite, private service. The Application is,

therefore, allowed in terms of prayer clauses (a) and (b).

2. Necessary amendment to be carried out within four (4) weeks from today.

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3. The learned Advocate for the Applicant on instructions seeks permission to withdraw the Application.

4. The Application is disposed of as withdrawn at the risk of the Applicant.

(AMIT BORKAR, J.)