

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAA) NO. 21/2023 IN

APPEAL AGAINST ORDER NO. 29/2021

Prakash Jamnadas Anandani and others

Vs.

Nilkanthrao Kashirao Deshmukh and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri D.A. Sharma, Advocate for appellants

Shri A.R. Deshpande, Advocate for respondent No.1

Shri K.L. Dharmadhikari, A.G.P for respondent Nos. 2 & 3

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 23/03/2023

Present application is filed for grant of permission to supply correct address of respondent Nos. 4 and 5.

2. Permission is granted.
3. Necessary amendment to be carried out within three days.
4. After amendment is carried out, issue notice to respondent Nos. 4 and 5 on corrected address, returnable within two weeks.

CIVIL APPLICATION (CAA) NO. 3/2022

Present application is filed for grant of leave to amend the instant appeal against order. By way of this amendment appellant want to raise additional ground.

2. The application is opposed by respondents. However, appeal is yet to be admitted, no prejudice is going to cause to the respondent hence application is allowed.

3. Permission is granted.

4. Necessary amendment to be carried out within a week.

CIVIL APPLICATION (CAA) NO. 37/2022

Present application is filed for grant of permission to delete the name of respondent No.7 from the array of the parties. It is submitted that respondent No.7 expired on 24/04/2021 during the pendency of the Regular Civil Appeal No. 149/2012. As such, the appeal came to be decided without bringing legal representatives of deceased respondent No.7 on record. As per contention of the applicant Regular Civil Appeal is abated and order passed in absence of legal representatives of respondent No.7 is a nullity.

2. The application is opposed by Counsel for respondent. However, the permission is granted to delete the name at the risk and consequences of the appellant.

3. Necessary amendment to be carried out within one week.

(SMT. M.S. JAWALKAR, J.)