



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 2636 OF 2024
IN SECOND APPEAL NO. 890 OF 2016
WITH
CIVIL APPLICATION NO. 2639 OF 2024 IN SA/889/2016
WITH
CIVIL APPLICATION NO. 2638 OF 2024 IN SA/889/2016
WITH
CIVIL APPLICATION NO. 2637 OF 2024 IN SA/890/2016
WITH
SECOND APPEAL NO. 890 OF 2016
WITH
CIVIL APPLICATION NO. 16283 OF 2016 IN SA/890/2016
WITH
SECOND APPEAL NO. 889 OF 2016
WITH
CIVIL APPLICATION NO. 16282 OF 2016 IN SA/889/2016

SANDHYA SANTOSH KYATAMWAR L.RS. SANTOSH SAYANNA
KYATAMWAR AND OTHERS
VERSUS
YESHWANT DATTATRYA DIPAK AND OTHERS

...
Mr. Anand Dale h/f. Mr. S.S. Rathi – Advocate for Applicants
Mr. D.M. Shinde – Advocate for Respondent Nos.1, 2, 4 to 6

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 7th March, 2024

PER COURT :

CIVIL APPLICATION NO. 2636 OF 2024
CIVIL APPLICATION NO. 2638 OF 2024

1. Heard rival submissions.
2. The applicants/appellants in both these applications are

seeking permission to bring on record legal representatives of deceased Hemant Dattatraya Dipak, who is respondent No.3 in appeal No.890 of 2016 and respondent No.4 in appeal No.889 of 2016.

3. There is delay of 3780 days. However, it appears that, aforesaid deceased had in fact died during the pendency of First Appeal and the respondent could not bring on record his legal representatives.

4. In view of the same, both the applications are allowed in terms of prayer clauses 'B' and 'C'.

5. Necessary amendment be carried out within stipulated period.

6. The civil applications are accordingly disposed of.

CIVIL APPLICATION NO. 2637 OF 2024
CIVIL APPLICATION NO. 2639 OF 2024

7. Heard rival submissions.

8. The applicants/appellants in both these applications are seeking permission to bring on record legal representatives of

deceased Vasant Dattatraya Dipak, who is respondent No.2 in appeal No.890 of 2016 and respondent No.3 in appeal No.889 of 2016.

9. There is delay of 1149 days. However, considering right to sue both the applications are allowed in terms of prayer clauses 'B' and 'C' subject to cost of Rs.1000/- (rupees One thousand only) each to be paid to the Library, Advocates Association of High Court, Bombay, Bench at Aurangabad.

10. The necessary amendment be carried out within stipulated period and after deposit of cost.

11. The applications are accordingly disposed of.

12. On carrying out the amendment notices to the newly added respondents be issued, returnable four weeks thereafter.

13. List the Second Appeal Nos. 890 and 889 of 2016 alongwith Civil Application Nos. 16283 and 16282 of 2016 on 18th April, 2024.

[SANDIPKUMAR C. MORE, J.]