



919 CA-3560-2024

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 3560 OF 2024
IN SECOND APPEAL NO. 491 OF 1994
WITH
SECOND APPEAL NO. 491 OF 1994
WITH
CIVIL APPLICATION NO. 4611 OF 2023 IN SA/491/1994

BAPURAO HANSAJI GAIKWAD THROUGH L.RS. SHESHABAI
BAPURAO GAIKWAD AND OTHERS

VERSUS

POTANNA UMAJI NAIKWADE (DIED) THROUGH LRS
BAPURAO POTANNA NAIKWADE AND OTHERS

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Mr. P.B. Kulkarni h/f. Mr. M.G. Narwadkar – Advocate for
Applicants

Mr. V.D. Patnoorkar – Advocate for Respondent Nos.1-iv

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 12th April, 2024

PER COURT :

CIVIL APPLICATION NO. 3560 OF 2024

1. Heard rival submissions.
2. This application is filed for bringing legal representatives of respondent No.2 – Laxam Irba Ghamod, who admittedly died on 10.12.2001 by condoning the delay of 8041 days. Though the delay is inordinate but it appears that, the matter has been settled between appellants and respondent No.1 and thereafter, this Court directed the parties to keep present

respondent No.2 – Laxman to ascertain whether he is consenting for the settlement. However, thereafter it revealed that respondent No.2 – Laxman is no more and therefore his legal representatives are required to be taken on record to ascertain whether they are also consenting for the settlement occurred between the appellants and respondent No.1.

3. Learned Counsel for respondent No.1 submitted that, the affidavits of legal representatives are ready and the same can be filed within short period.

4. In view fo the same, the application stands allowed in terms of prayer clauses 'A' and 'B'.

5. Necessary amendment be carried out within stipulated period.

6. The application is accordingly disposed of.

**SECOND APPEAL NO. 491 OF 1994 AND
CIVIL APPLICATION NO. 4611 OF 2023**

7. Stand over to 26th April, 2024.

**[SANDIPKUMAR C. MORE]
JUDGE**