

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**910 CIVIL APPLICATION NO. 3443 OF 2024
IN
SECOND APPEAL NO. 754 OF 2013
WITH
CIVIL APPLICATION NO. 3442 OF 2024
IN
SECOND APPEAL NO. 753 OF 2013**

**BABU RAVAN RANDIVE AND OTHERS
VERSUS
TUKARAM RAVAN RANDIVE**

...
Advocate for Appellants : Mr. Viks G. Kodale h/f Mr. V.D.
Gunale
Advocate for Respondent : Mr. M. G. Biradar
...

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 12th JUNE 2024**

ORDER:-

1. Heard the rival submissions.
2. The applicants want to bring on record legal representatives of deceased appellant No.3 Sanjay Babu Randive who admittedly died on 22.12.2023 by condoning the delay of only six days.
3. The learned counsel for the respondents strongly opposed the application on the ground that the appellant No.3 was having two wives and the applicants have brought on record only second wife of deceased appellant No.3. The

learned counsel for the applicants submitted that it is only contention of the respondents that deceased appellant No.3 was having first wife but in support of the same, no document is produced on record.

4. It is significant to note that mutation entry No. 1500 indicates that all the legal representatives of deceased appellant No.3 mentioned therein are brought on record. Nothing is there in the said mutation entry that deceased appellant No.3 was having another wife also. As such, even if the respondent contends that there was another wife to deceased appellant No.3, but it has to be supported by certain documents. Even otherwise also, if such another wife is in existence, she can move an application for intervention.

5. In view of the same, the application stands allowed and disposed of in terms of prayer clauses (B) and (C).

6. Necessary amendment be carried out within the stipulated period.

7. List Second Appeal to 26.06.2024.

(SANDIPKUMAR C. MORE, J.)