



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

**912 CIVIL APPLICATION NO. 11832 OF 2023
IN SA/447/2010**

**YASHODABAI DASHRATH BHAPKAR
DECEASED THROUGH LRS. HIRABAI SOPAN KSHIRSAGAR AND
OTHERS
VERSUS
DASHRATH VYANKOJI BHAPKAR AND ORS**

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Mr. Latange V. P., Advocate for applicants

Mr. Ajit M. Gholap, advocate for respondent Nos.2 to 10

Mr. Shinde Balaji S., advocate for respondent Nso.1A to 1F

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 23/02/2024.

P. C. :

1. Heard rival submissions.
2. The present applicants, who are the legal representatives of respondent No.1 in the present appeal are seeking permission to transpose themselves as appellants by condoning the delay of 38 delays.
3. The learned counsel for respondent Nos.2 to 10 strongly opposed the application on the ground that the original plaintiff had also challenged the sale deed executed in favour of Dashrath. However, the partition suit rights of the parties are to be decided on the basis of evidence on record. At this juncture, the applicants who are also the legal representatives of Yeshodabai, can be allowed to prosecute the appeal as appellants since in a partition suit the

position of plaintiff and defendants is always interchangeable. As such, the application stands allowed in terms prayer clause-B.

4. Necessary amendment be carried out within stipulated period.

5. Civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-