

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

**916 SECOND APPEAL NO. 138 OF 2019
WITH
CIVIL APPLICATION NO. 3285 OF 2019
IN SA/138/2019
WITH
CIVIL APPLICATION NO. 14699 OF 2023
IN SA/138/2019
WITH
CIVIL APPLICATION NO. 14701 OF 2023
IN SA/138/2019
WITH
CIVIL APPLICATION NO. 14700 OF 2023
IN SA/138/2019**

**SHIVPRASAD BABULAL BHARTIYA
VERSUS
DR. MADHUSUDAN BABULAL BHARTIYA**

...
Mr. Bharuka S. S., Advocate for Appellant
Mr. S. S. Gangakhedkar, Advocate for Applicant in CA
No.14700/23

....
**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 11/06/2024.**

P. C. :

**A) ORDER IN CIVIL APPLICATION NOS.14701 OF 2023 AND
CIVIL APPLICATION NO.14700 OF 2023 :**

1. Heard rival submissions.
2. The Civil Application No.14700 of 2023 appears to have filed by one of the legal representatives of deceased appellant – Shivprasad Babulal Bhartiya to prosecute the appeal in the

capacity of respondent, since she is having conflict of interests with other legal representatives of deceased appellant. On the other hand the applicants in Civil Application No. 14701 of 2023, who are the rest of the legal heirs of deceased appellant, are seeking their impleadment in the appeal in place of original appellant to prosecute the appeal by condoning the delay of 164 days.

3. The learned counsel for the original respondent No.7 though opposed the application, but considering the right to sue and nature of the litigation with prayer of partition, the impleadment of all the legal heirs of deceased appellant is necessary. Under such circumstances, the CA no.14701 of 2023 stands allowed in terms of prayer clause-B, whereas CA No.14700 of 2023 also stands allowed in terms prayer clause-B and B-1.

4. Necessary amendment be carried out by the applicants in Civil Application No.14701 of 2023 within the stipulated period. The civil applications are disposed of accordingly.

5. List connected matters on 25/06/2024.

(SANDIPKUMAR C. MORE, J.)