

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

**927 CIVIL APPLICATION NO. 7505 OF 2024
IN SA/498/2001
WITH SECOND APPEAL NO. 498 OF 2001
WITH CIVIL APPLICATION NO. 9193 OF 2024
IN SA/498/2001 WITH
CIVIL APPLICATION NO. 9192 OF 2024
IN SA/498/2001**

VASANT BALU PATIL L.RS. VIJAY VASANT PATIL AND ANR
VERSUS
VISHNU BALU PATIL

...
Advocate for Applicant : Mr. B.S. Deshmukh
Advocate in SA : Mr. S. P. Shah
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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : September 10, 2024**

ORDER:-

IN CIVIL APPLICATION NO. 9193/2024 :

1. The learned counsel for Respondent Nos. 3 to 5 filed affidavit-in-reply. Same is taken on record. Copy be furnished to other side.
2. Heard rival submissions.
3. The applicants who are respectively son and grandson of deceased appellant Vishnu Patil, are seeking permission to bring themselves on record in place of sole appellant Vishnu Patil, who admittedly died on 20.09.2023, by condoning the delay of 251 days. However, the application itself indicates that the sole appellant Vishnu died leaving behind all four legal

representatives as mentioned in paragraph No.2. The learned counsel for respondent Nos. 3 to 5 submits that, during the lifetime, the sole appellant Vishnu had executed Will dated 11.09.2023 in respect of his properties and by the said Will, he had given the suit property only to the present applicants. The learned counsel for respondent Nos. 3 to 5 further submits that, respondent No.3 to 5 have accepted the contents of the said Will and they are not having any objection if the suit property is given to the share of the present applicants Ravindra and Devendra. However, it may be inter-se arrangement amongst all the legal representatives of deceased Vishnu. Therefore, at this juncture, it would be necessary to bring all the legal heirs of deceased appellant Vishnu on record as mentioned in paragraph No.2 of the application to avoid further complications.

4. As such, the application stands allowed in terms of prayer clauses (A) and (B) and it is directed that all the legal representatives as mentioned in paragraph No.2 of this application of deceased appellant Vishnu be brought on record within stipulated period.

Application stands disposed of.

IN CIVIL APPLICATION NO. 9192/2024

5. Heard rival submissions.

6. The application is filed by some of the legal representatives of deceased appellant Vishnu for permission to deposit the amount of arrears as per order dated 23.11.2007 in CA No. 9238 of 2007 and order dated 5.03.2013 in CA No. 2556 of 2012. Though the application is opposed by the learned counsel for respondent No.1, but it appears that due to some unavoidable circumstances, the aforesaid amount of arrears could not be deposited regularly after the year 2020. As such, the application stands allowed in terms of prayer clauses (A) and (B) and disposed of accordingly.

IN CIVIL APPLICATION NO. 7505 OF 2024 :

7. Heard rival submissions.

8. The application is filed by original respondents for vacating the interim stay granted by this Court mainly because the appellants failed to deposit the amount of mesne profit as directed by this Court regularly in this Court. However, today itself the appellants are permitted to deposit the amount of arrears vide order in another CA No. 9192 of 2024. As such, the present application stands disposed of being infructious.

(SANDIPKUMAR C. MORE, J.)