



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

8 SECOND APPEAL NO. 196 OF 2010
WITH
SECOND APPEAL NO. 251 OF 2008
WITH
SECOND APPEAL NO. 250 OF 2008
WITH
CIVIL APPLICATION NO. 3965 OF 2008 IN SA/250/2008
WITH
CIVIL APPLICATION NO. 3851 OF 2019 IN SA/251/2008
WITH
CIVIL APPLICATION NO. 3853 OF 2019 IN SA/250/2008
WITH
CIVIL APPLICATION NO. 4012 OF 2020 IN SA/80/2010
WITH
CIVIL APPLICATION NO. 4014 OF 2020 IN SA/196/2010
WITH
CIVIL APPLICATION NO. 4011 OF 2020 IN SA/683/2009
WITH
SECOND APPEAL NO. 683 OF 2009
WITH
SECOND APPEAL NO. 80 OF 2010
WITH
CIVIL APPLICATION NO. 13030 OF 2023 IN SA/250/2008
WITH
CIVIL APPLICATION NO. 13027 OF 2023 IN SA/251/2008
WITH
CIVIL APPLICATION NO. 13029 OF 2023 IN SA/683/2009
WITH
CIVIL APPLICATION NO. 13031 OF 2023 IN SA/80/2010
WITH
CIVIL APPLICATION NO. 13025 OF 2023 IN SA/196/2010

AMBRI RAUF DESHMUKH THROUGH LRS MEHARUNNISA
BHAIYA DESHMUSH
VERSUS
DIGAMBAR TUKARAM PATIL AND OTHERS

...
Mr. P.P. Dhorde – Advocate for Appellant
Mr. M.M. Patil – Beedkar, Mr. M.M. Bhokarikar and Mr. H.V.
Tungar h/f. Mr. C.R. Deshpande – Advocates for respective
Respondents

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 11th March, 2024

PER COURT :

CIVIL APPLICATION NO. 4011 OF 2020

1. Heard learned Counsel for applicant. Learned Counsel for respondents remained absent.
2. The application is for bringing legal representatives of respondent No.1 – Digambar Tukaram Patil who admittedly died on 01.12.2018. The application appears to be within time.
3. As such, the application stands allowed in terms of prayer clause 'B'.
4. Necessary amendment be carried out within stipulated period.

5. The application is accordingly disposed of.

CIVIL APPLICATION NO. 4012 OF 2020

6. Heard learned Counsel for applicant. Learned Counsel for respondents remained absent.

7. The application is for bringing legal representatives of respondent No.1 – Digambar Tukaram Patil who admittedly died on 01.12.2018. The application appears to be within time.

8. As such, the application stands allowed in terms of prayer clause 'B'.

9. Necessary amendment be carried out within stipulated period.

10. The application is accordingly disposed of.

CIVIL APPLICATION NO. 4014 OF 2020

11. Heard rival submissions.

12. The application is for bringing legal representatives of

respondent No.1 – Digambar Tukaram Patil who admittedly died on 01.12.2018. The application appears to be within time.

13. As such, the application stands allowed in terms of prayer clause 'B'.

14. Necessary amendment be carried out within stipulated period.

15. The application is accordingly disposed of.

CIVIL APPLICATION NO. 13030 OF 2023

CIVIL APPLICATION NO. 13027 OF 2023

CIVIL APPLICATION NO. 13029 OF 2023

CIVIL APPLICATION NO. 13031 OF 2023

CIVIL APPLICATION NO. 13025 OF 2023

16. Heard rival submissions.

17. All these applications are filed for abatement of appeal as the legal representatives of late Digambar Tukaram Patil i.e. respondent No.1 are not brought on record. However, today this Court in the respective applications filed by the appellants

in Second Appeal No.80 and 196 of 2010 and Second Appeal No.683 of 2009 has passed an order of bringing legal representatives of the aforesaid respondent No.1.

18. As such, all these applications now being infructuous stand disposed of.

CIVIL APPLICATION NO. 3851 OF 2019 IN

CIVIL APPLICATION NO. 3853 OF 2019 IN

19. Learned Counsel for the appellants – applicants is not available today. However, this Court in other applications has already brought on record the legal representatives of deceased respondent No.1 – Digambar Tukaram Patil who admittedly died on 01.012.2018. Though the office has raised objection that, only four legal representatives namely 1(a) to 1(d) are shown in paragraph No.3 of deceased Digambar Tukaram Patil. But, while making prayer addition of legal representatives Nos.1-a to 1-f is sought. However, the learned Counsel – Mr. H.V. Tungar holding for Mr. C.R. Deshpande on behalf of all the legal heirs of late Digambar Tukaram Patil submitted that, there are only four legal representatives of

Digambar Tukaram Patil. The applications appear to be within time.

20. As such, the same are allowed and the legal representatives of late Digambar Tukaram Patil as shown paragraph No.3 of the application namely 1-a to 1-d are permitted to be brought on record.

21. The necessary amendment be carried out within stipulated time.

22. The applications are accordingly disposed of.

23. List the Second Appeal No.196 of 2010 alongwith Second Appeal No.251 of 2008, Second Appeal No. 250 of 2008, Civil Application No. 3965 of 2008, Second Appeal No. 683 of 2009 and Second Appeal No. 80 of 2010 on 27th March, 2024.

[SANDIPKUMAR C. MORE]
JUDGE