

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

**6 CIVIL APPLICATION NO. 13143 OF 2023
IN SA/43/2020
WITH
SECOND APPEAL NO. 43 OF 2020
WITH
CIVIL APPLICATION NO. 1114 OF 2020
IN SA/43/2020
WITH
CIVIL APPLICATION NO. 13141 OF 2023
IN SA/43/2020
WITH
CIVIL APPLICATION NO. 13145 OF 2023
IN SA/43/2020**

**YESHWANT DEVRAM GADEKAR
VERSUS
VATSALA SHRIMANT GADEKAR L.RS. MOHAN SHRIMANT
GADEKAR AND OTHERS**

...
Mr. Sanjay S. Dudhane h/f Mr. Dhorde Vikram R., Advocate for
Applicant

Mr. N. C. Garud, Advocate for Respondent Nos.1 to 4

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 05/02/2024.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.13141 OF 2023 :

1. Heard rival submissions.
2. It appears that respondent No.1 Vatsala Shrimant Gadekar died on 08/08/2023, but her legal heirs are already on record being respondent Nos.2 to 4. As such, the name of respondent

No.1 be mentioned as since deceased. Amendment be carried out within the stipulated period.

3. Civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.13143 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking permission to bring on record legal representatives of deceased respondent No.5 Malu Yashwanta Gadekar, who died on 24/10/2018, by condoning the delay of 1722 days.
3. The learned counsel for the respondents opposed the application on the ground that there is huge delay. However, considering the statutory right of the applicant, the aforesaid delay, stands condoned subject to cost of Rs.3,000/- to be paid to the Advocate Bar Library, High Court, Aurangabad. Accordingly, the application is allowed in terms of prayer clause -A & B. Amendment be carried out within the stipulated period.
4. The application is accordingly disposed of.

C) ORDER IN CIVIL APPLICATION NO.13145 OF 2023:

1. Heard rival submissions.

2. The applicant is seeking permission to bring on record legal representatives of deceased respondent No.11- Indrayani Pandharinath Berad, who died on 05/07/2021, by condoning the delay of 737 days.

3. The learned counsel for the respondents opposed the application on the ground that there is huge delay. However, considering the statutory right of the applicant, the aforesaid delay, stands condoned subject to cost of Rs.1500/- to be paid to the Advocate Bar Library, High Court, Aurangabad. Accordingly, the application is allowed in terms of prayer clause -A & B. Amendment be carried out within the stipulated period.

4. Accordingly civil application is disposed of.

**D) ORDER IN SECOND APPEAL NO.43 OF 2020 WITH
CIVIL APPLICATION NO.1114 OF 2020:**

1. Interim relief, to continue till then.
2. Stand over to 04/03/2024.

(SANDIPKUMAR C. MORE, J.)