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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 430 OF 1995
WITH
INTERIM APPLICATION NO. 1406 OF 2020
IN
SECOND APPEAL NO. 430 OF 1995**

Smt. Manjabai Balwant Patil ... Appellant/Applicant

vs.

Shri Piraji Babaji Patil and Ors ... Respondents

Mr. S.S. Kanetkar for Appellant/Applicant.

Ms. S.A. Mudbidri for Respondents.

CORAM : GAURI GODSE, J.

DATED : 12th DECEMBER 2024

ORDER:

SECOND APPEAL NO. 430 OF 1995.

1. Learned counsel for the appellant submits that respondent no. 4 is the original plaintiff no. 1b. He submits that he has instructions to appear for respondent no.4. He therefore seeks leave to transpose respondent no.4 as appellant no.2. He undertakes to file Vakalatnama within one week.

2. The appellant is permitted to transpose respondent no.4 as

appellant no.2. Amendment to be carried out within one week.

INTERIM APPLICATION NO. 1406 OF 2020.

3. This application is for bringing on record the names of heirs and legal representatives of deceased appellant on record. The applicant is permitted to bring on record the names of applicant nos. 1a to 1d and respondent no.4 as heirs and legal representatives of deceased appellant.

4. In the facts and circumstances of the case, delay is condoned, abatement if any is set aside. Amendment to be carried out within two weeks.

5. Interim application is disposed of in above terms.

6. Notice of second appeal is waived on behalf of respondents.

7. Learned advocate for the appellant shall file amended memo of second appeal within two weeks.

8. Learned advocate for the appellant shall file private paper book containing both the judgments, first appeal memo, pleadings, notes of evidence within four weeks.

9. To be added to the weekly final hearing board in the week commencing from 13th January 2025.

(GAURI GODSE, J.)