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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6355 OF 2024
IN
CIVIL REVISION APPLICATION NO. 659 OF 2019

Poonam Vikas Jadhav & Ors. Applicants

IN THE MATTER BETWEEN

Vikas Baban Jadhav Applicant

VERSUS

Mahadeo Shivaji Rane & Anr. Respondents

Mr. D.D.Lad i/b. Mr. S.P. Ramdasi for the Applicants.

Ms.Triveni Jani i/b. Mr.S.M.Jani for the Respondent No.2.

CORAM: RAJESH S. PATIL, J.

DATE : 4 MARCH, 2024

P.C. :-

This interim application is filed by one Mr.Prakash Keru Jadhav for self and also for the applicant nos. 1 to 4. The Civil Revision Application is filed by one Mr.Vikas Baban Jadhav, who was the original plaintiff in R.A.E. Suit filed before the Small Causes Court.

2. Ms. Jani, learned counsel made submissions on behalf of the respondent no.2:-

(a) She submits that during the pendency of the civil revision application, the original applicant (plaintiff) died. Hence, the present interim application is filed to bring on record the legal heirs of the deceased applicant.

(b) She submits that this interim application is not at all maintainable since though the applicants are shown as five persons. In fact, an application is verified only by the applicant no.5 (Mr.Prakash Keru Jadhav) and even the Vakalatnama is filed only by the applicant no.5 and one more person.

(c) She submits that in paragraph no.6 of the interim application, it has been stated that the wife of the deceased Mr.Vikas Baban Jadhav is not

interested in pursuing this civil revision application. Hence, the present applicant who claims himself to be the uncle of the deceased, has filed the present interim application.

3. Mr. Lad, learned counsel appearing for the applicants in the interim application is not able to make any submissions on behalf of the applicants. In the morning session, when this matter was called out, he mentioned that the advocate on record is out of station. However, he was directed that he should make arrangement to argue the matter in the afternoon session.

4. When the matter was called out in the afternoon session, Mr.Lad submits that the advocate on record will be before this Court in some time. After this matter was argued for around 15 minutes, even then the advocate on record is not present before this Court to make his submissions.

5. I have gone through the record. I have also gone through the submissions made in the interim application, verification clause and the Vakalatnama filed on behalf of the applicants. Even, I have gone through the Schedule of the amendment.

6. From the schedule of the amendment, it appears that the five persons have been shown as the persons who are the legal heirs of the deceased applicant. It is a matter of record that only applicant no.1 will be called as a legal heir of the deceased (original applicant Mr.Vikas Baban Jadhav). The present interim application is verified by only applicant no.5 i.e. Mr.Prakash Keru Jadhav.

7. So also, the Vakalatnama has been filed only by Mr.Prakash Keru Jadhav and one more person. Therefore, according to me, the present interim application is not maintainable and hence, the same is dismissed.

8. The original applicant in the civil revision application died on 30 May, 2020 within the stipulated time, no application is preferred to bring on record the legal heirs.

9. Hence, civil revision application is abated.

10. Ms.Jani, learned counsel tenders affidavit in reply on behalf of the original respondent.

11. In the title of the Vakalatnama, it shows as two persons as applicants i.e. Ms.Poonam Vikas Jadhav who is shown as the wife of the deceased Mr.Vikas Jadhav and the applicant i.e. Mr.Prakash Keru Jadhav.

[RAJESH S. PATIL, J.]