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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL (ST) NO. 7330 OF 2021
WITH
INTERIM APPLICATION NO. 1465 OF 2021
WITH
INTERIM APPLICATION NO. 13563 OF 2024
INTERIM APPLICATION NO. 13562 OF 2024
INTERIM APPLICATION NO. 13564 OF 2024
IN
INTERIM APPLICATION NO. 1465 OF 2021
IN
SECOND APPEAL (ST) NO. 7330 OF 2021
WITH
INTERIM APPLICATION NO. 1640 OF 2021

Pandurang Martand Gunjal and Others ... Appellants/ Applicants

Vs.

Murlidhar Devram Gunjal ... Respondent

Mr. Uday Bhagwanrao Nighot for the Appellants/Applicants.

CORAM : GAURI GODSE, J.

DATE : 11th OCTOBER 2024

ORDER :

Interim Application No. 1465 of 2021

1. Learned counsel for the appellants submit that the decree in favour of the appellants was reversed by the Appellate Court. However, the appellants were not represented when the appeal was decided. He submits that the appeal was initially filed in the court at Pune and subsequently it was transferred to the Court at Khed.

2. He submits that the applicants were unaware about the same and they were never served with any notice. To support his submission he relied upon the averment made in the application and the copies of the notice with bailiff remark annexed at page 17 and 18 of the appeal. He thus submits that the Second Appeal would raise a question of law on the point as to whether the trial court's decree could have been reversed for giving proper notice of hearing to the original plaintiff. He submits that there are applications filed for bringing on record heirs and representatives.

3. He submits that Interim Application No. 13564 of 2024 is filed for bringing on record names of heirs of deceased respondent no.2. He submits that the said application is within time. Hence the application is allowed in terms of prayer clause (a). Amendment to be carried out within six weeks.

4. Learned counsel for the appellant submits that he has filed another application being Interim Application No. 13562 of 2024 for bringing on record names and heirs of deceased respondent no. 1. There is delay in filing the said application. Hence, office is directed to issue notice to respondent nos. 1A to 1D. In addition to court notice, learned Advocate for the appellant to serve the said respondents by private service and file service affidavit before the

next date.

5. Office is directed to issue notice of the Interim Application no. 1465 of 2021 to the heirs and legal representative of deceased respondent no. 1 and 2.

6. In addition to court notice, learned counsel for the applicant to serve the heirs and legal representatives of deceased respondent no. 1 and 2 by private service and file service affidavit before the next date.

7. Both the notices are made returnable on 20th January 2025.

[GAURI GODSE, J.]