

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.289 OF 2024

Kunwarbai Rajaram Ahir-Gawale
since deceased through L.Rs.

....Applicants

V/S

Hanumant Kisanrao Mogre
since deceased through LR.s.

....Respondents

Ms. Sarika Mehta a/w Mr. Sagar Chhabria *for the Applicants.*
Mr. Abhishek Salian and Mr. M.K. Irani *for Respondents.*

CORAM: SANDEEP V. MARNE, J.
DATE : 24 JUNE 2024.

P.C.:

1 The learned counsel appearing for the Revision Applicants would submit that Respondent Nos.1 and 4 have expired. The learned counsel appearing for surviving Respondents would submit that Respondent Nos.1 and 4 had expired during pendency of Appeal before the Appellate Court and that names of their legal heirs are already communicated to the Applicants. Be that as it may, he would submit that he would appear on behalf of legal heirs of Respondent Nos.1 and 4. Let names of legal heirs of deceased Respondent Nos.1 and 4 be supplied to the learned counsel appearing for Revision Applicants. Leave is granted to bring on record legal heirs of Respondent Nos.1 and 4. Amendment be carried out within two weeks. List the Revision Application under caption 'for admission' on 15 July 2024.

2 The learned counsel appearing for Respondents would invite my attention to the order dated 17 February 2014 by which the Decree was stayed by the Appellate Court subject to the Defendants/tenants depositing Rs.3,000/- per month by way of compensation during pendency of the Appeal. He would submit that the said order is violated by the Defendants/tenants and that nothing has been deposited during pendency of the Appeal. The learned counsel appearing for the Applicants seeks time to take instructions. Perusal of the Civil Revision Application would indicate that there is no averment about compliance with the order dated 17 February 2014. In view thereof there shall not be any interim order during pendency of the present Civil Revision Application.

(SANDEEP V. MARNE, J.)

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signed by
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KATKAM
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