



-276-2020

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (S) NO. 276 OF 2020
IN SECOND APPEAL NO. 468 OF 2019

(Smt. Rekha w/o neharulal Bisen Vs. Kishorkumar s/o Prabhakar Sharnagat & Anr.)
(Applicant – Smt. Dileshwari w/o Vinod Sahare, Dileshwari @ Pinti d/o Motilal Harankhede
(Maiden Name))

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri O.W. Gupta, Counsel for the appellant.
Shri N.G. Jetha, Counsel for the non-applicants.
Shri R.R. Gour, Counsel for the applicant.

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CORAM : ANIL L. PANSARE, J.
JANUARY 2, 2024.

Heard.

2] The applicant, who was not a party before the First Appellate Court, is seeking permission to be added as party appellant no.2 in the present appeal.

3] The learned Counsel for the applicant submits that in fact, the applicant was original defendant no.2 before the learned trial Court and is sister of the appellant/original defendant no.1. He further submits that the applicant was unaware of filing of the First Appeal and came to know about the same after filing the present appeal.

4] The learned Counsel for the non-applicants, however, submits that since the applicant was not made party by her own sister, i.e., the present appellant before the First Appellate Court, she cannot be permitted to intervene as appellant herein and she has a different

remedy to challenge the order passed by the First Appellate Court.

5] I do find substance in the submissions put forth by the learned Counsel for the non-applicants. If the applicant was not a party before the First Appellate Court, she may seek leave to file appeal in accordance with Rules and file Second Appeal if such leave is granted.

6] With the aforesaid liberty, the application stands dismissed.

SECOND APPEAL NO. 468/2019

7] At the request of the learned Counsel for the appellant, list the matter after two weeks.

(ANIL L. PANSARE, J.)

Sumit