



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

CIVIL APPLICATION NO.1003 OF 2024

IN

SECOND APPEAL NO.372 OF 2022

(Indubai Gyaniram Bansod (dead) thr. L.R's and ors. Vs. Smt. Chandrabhaga @
Chandraprabha Yashwanta Wasnik (dead) thr. L.R's and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.A. Markandeywar, Advocate for the appellant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 22, 2024.

The appellants have challenged the judgement and decree passed in Regular Civil Appeal No.23/2017 which was for the partition and separate possession.

2. During pendency of the appeal, both parties arrived at a settlement and in view of settlement, the names of the appellant Nos.4A) to 4D) to be deleted and the name of appellant No.5-B) Ayush Ashok Meshram who is minor to be added through his guardian mother – Malabai Ashok Meshram. It is submitted that the appellant Nos.4A) to 4D) are the legal heirs of deceased – Karuna who has executed a Will dated 18/02/2021 and bequeathed her share in suit property to the son of her deceased brother Ashok. In view of that, the proposed appellant No.5-B) is necessary party, and therefore, the appellant be permitted to carry out the amendment by

deleting the names of appellant Nos.4A) to 4D) and by adding appellant No.5-B) as a necessary party.

3. Learned Counsel for the respondents present before the Court. He has no objection for the same. In view of that, the application is allowed.

4. Learned Counsel for the appellants shall carry out the amendment within a stipulated period.

5. The application is disposed of accordingly.

6. Place the appeal on 09/12/2024 at the end of admission board.

(URMILA JOSHI-PHALKE, J.)

**Divya*