



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

CIVIL APPLICATION (CAS) NO. 525 OF 2024

IN

SECOND APPEAL NO. 491 OF 2018

NANDATAI W/O SHANKARRAO BHOWATE

Vrs.

MUNINDRAKUMAR NAMDEORAO VAIDYA AND OTHERS

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

Court's or Judge's Order

Shri Dhiraj Nikhure, Advocate h/f Shri P. A. Gode, Advocate for
applicant.

Shri Ankit A. Vastani, Advocate h/f Shri A.N. Vastani, Advocate for
LRs of respondent No.3.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 05/07/2024.

1. Heard Shri A. A. Vastani, learned advocate for
LRs of respondent No.3. He submits that he has no
instructions to appear on behalf of legal heirs of
respondent No.2, but he has instructions to appear on
behalf of respondent No.3. He therefore, prayed for
recalling of the order passed by this Court dated
11/06/2024 in Civil Application (S) No.85/2022.

2. Heard learned advocate for LR's of respondent
No.3.

3. Perused the order dated 11/06/2024. It
appears that there is mistake in the number of respondent
No.2.

4. Shri A. A. Vastani, learned advocate submits that by mistake, respondent No.2 is mentioned instead of respondent No.3. Therefore, the order deserves to be corrected to that extent. Instead of respondent No.2, it be corrected as respondent No.3.

5. The application is disposed of.

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6. Learned advocate for the applicant submits that by mistake, he is going to appear on behalf of respondent No.2. Therefore, the application was disposed of. He prayed apology for it. He further submitted that he has instructions to appear for legal heirs of respondent No.3. Therefore, order passed by this Court dated 11/06/2024 is recalled and following order is passed :-

ORDER

7. This is an application for bringing legal heirs of respondent No.2 on record.

8. Admittedly, learned advocate for applicant submits that there is no delay caused for filing the application to bring the legal representatives on record. Therefore, application deserves to be allowed.

9. The applicant is directed to amend the appeal accordingly and bring the legal heirs of respondent No.2 on record, as prayed within a week.

10. This Court passed an order in Civil Application No.662/2021 with direction to the appellant to carry out the amendment within a period of two weeks on 11/06/2024 and the application is disposed of.

However, till today, amendment is not carried out. If the appellant fails to carry out amendment within a week from today, the appeal shall stand dismissed.

[SANJAY A. DESHMUKH, J.]

Choulwar