



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 3322 OF 2025
IN SA/438/1995**

**DATTA BHAURAO MORE L.RS. CHANDRAKALABAI AND
ANOTHER.**

VERSUS

DEVIDAS KISHANRAO MORE AND ANOTHER

...

Mr. E. P. Sawant, Advocate for Applicants.

Mr. V. S. Badakh, AGP for Respondents-State.

Mrs. Rekha Choudhari h/f Mr. S. S. Choudhari, Advocate for Respondent.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 27th MARCH, 2025.**

P.C.:-

1. By this application, applicants seek to bring on record legal representatives of deceased appellant no.1.
2. Mr. Sawant, learned Advocate appearing for the applicants submits that although appellant no.1 expired on 30.04.2022, he had shifted to Parbhani before his demise. The appellant no.2 had no knowledge about his death. After receipt of communication from Advocate as regards to the listing of present Second Appeal for final disposal, it was found that original appellant no.1 was expired and immediately steps were taken.
3. Considering nature of controversy, since appellant no.2 is already on record, appeal would not be abated. The delay in bringing legal representatives of appellant no.1 can be condoned for the reasons as stated in the application, however, subject to some cost.

4. In result, application is allowed in terms of prayer Clauses (B) and (C) subject to cost of Rs.2000/- to be paid to the respondents within a period of two weeks from today.

5. Amendment to be carried out within a period of two weeks from today.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2025