



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

**CIVIL APPLICATION NO. 11150 OF 2025
IN CRA/243/2017**

M Jagdish M Gopal Malbari And Another
VERSUS
Sameermal Amlokchand Kucheria Since Dead Through L.rs.
Santabai Sameermal Kucheria (dead) And Ors.,

...
Mr. Umesh Mitkari h/f Mr. P. S. Paranjape, Advocate for
Applicants
Mr. Y. G. Gujrathi, Advocate for Respondent nos.1b to 1e & 2

.....
CORAM : AJIT B. KADETHANKAR, J.

DATED : 08TH OCTOBER, 2025

ORDER :-

. Feeling aggrieved by the judgment and order dated 19.08.2017, passed in Civil Appeal No.27 of 2007 by the learned Ad-hoc District Judge, Dhule, the Civil Revision Application is filed by the present applicants.

2. Mr. Umesh Mitkari h/f Mr. P. S. Paranjape, learned Advocate for the applicants submits that during the proceeding of this petition, respondent no.5 namely Premchandra Gopal Malbari is expired and the share/interest of deceased respondent no.5 is devolved into present respondent nos.5A, 5B and 5C. He has submitted that due to

the unawareness of the legal proceeding i.e. pending in this Court, there could be some delay in filing this application which needs to be condoned in the interest of justice.

3. Mr. Y. G. Gujrathi, learned Advocate for respondent nos.1B to 1E and 2 places his no objection to pass appropriate order in the Civil Application.

4. For the reasons stated in the application, Civil Application is allowed. Applicants are permitted to amend the title clause of the Civil Revision Application by incorporating the names of respondent nos.5A, 5B and 5C as legal representatives of deceased respondent no.5.

5. Amendment be carried out within two weeks from today.

6. Issue notice to the newly added respondent nos.5A, 5B and 5C, returnable on 13.11.2025, as amended in the title clause.

7. Learned Advocate who represented deceased respondent no.5 undertakes to take instructions from the newly added respondents and to mark his appearance accordingly.

8. Learned Advocate Mr. Y. G. Gujrathi would submit that since last 40 years the land owner is fighting to get back his property. He would further seek any specific date for hearing in the Civil Revision Application.

9. In view of above, place this matter for further consideration on 13.11.2025.

10. Interim relief, if any, to continue till then.

(AJIT B. KADETHANKAR, J.)