



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

52 CIVIL APPLICATION NO. 810 OF 2025
IN SA/31/2017

SHRI. ADHAR DONGAR MARATHE AND ORS

VERSUS

BEBABAI NAGO MARATHE L.RS. SUMAN NAGO MARATHE ALIAS SUMANBAI
KASHINATH MARATHE

...

Advocate for Applicants : Mr. Malte Uday S. (Through V.C.)

Advocate for Lrs of Sole Respondent in SA : Mr. P.P.Dhorde

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : 28.03.2025

PER COURT :-

1. Present application is filed with following prayer Clauses (B & C) :

“(B) The applicants be permitted to amend the name of legal heir of respondent as “Suman D/o Nago Marathe @ Sumanbai w/o Kashinath Marathe” in the memo of Second Appeal No. 31 of 2017.

(C) As per amended memo, the name of legal heir of respondent may be added/corrected as “Suman D/o Nago Marathe @ Sumanbai w/o Kashinath Marathe” in the title clause of judgment & decree dated 03.11.2023 passed in Second Appeal No. 31 of 2017.”

2. Mr. Malte, learned Advocate appearing for applicants submits that during pendency of Second Appeal, Bebabai Nago Marathe, who was original defendant/respondent died, therefore, her daughter namely Suman Nago Marathe was brought on record as her legal representative. She caused her appearance in Second Appeal and filed her Vakalatnama, wherein she has indicated her name as Suman Nago Marathe alias Suman Kashinath Marathe. He submits that due to difference in name the execution of decree has been halted.

3. Mr. Dhorde, learned Advocate appearing for respondent in Second Appeal fairly conceded that Vakalatnama filed by him was on behalf of Suman Nago Marathe @ Suman Kashinath Marathe and her name is mentioned

accordingly on Vakalatnama. In that view of the matter, there is no impediment in allowing application. In result, application stands allowed in terms of prayer Clause (B and C).

4. Amendment in Second Appeal Memo be carried out accordingly.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/