

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.557 OF 2002

Kisan Bhau Shinde

(Since Deceased) Through LRS

Bhimrao Kisan Shinde & Ors.

...Appellants

Versus

Shri.Dattatraya Vithal Shinde

(Since Deceased) Through LRS

Maruti Dattatray Shinde & Ors.

...Respondents

WITH

CIVIL APPLICATION NO.1126 OF 2019

WITH

CIVIL APPLICATION NO.1323 OF 2009

IN

SECOND APPEAL NO.557 OF 2002

Kisan Bhau Shinde

(Since Deceased) Through LRS

Bhimrao Kisan Shinde & Ors.

...Applicants

Versus

Shri.Dattatraya Vithal Shinde

(Since Deceased) Through LRS

Maruti Dattatray Shinde & Ors.

...Respondents

Mr. Sameer Tendulkar, for the Appellants/Applicants.

Mr. S. R. Kapre, for the Respondent Nos.2, 5, 6 & 7 in CAS/1126/2019.

CORAM: MADHAV J. JAMDAR, J.

DATED: 23rd JULY 2025

P.C.:

Civil Application No.1126 of 2019

1. The Civil Application is taken out to bring on record heirs of deceased Respondent No.5. The Respondent No.5 has passed away on 17th December, 2021 and the Interim Application is filed on 23rd

November, 2023. Accordingly, there is some delay in filing the Civil Application.

2. Mr. Kapre, learned Counsel appearing for the Respondents strongly opposes the Application.

3. However, for the reasons set out in the in the Civil Application the same is allowed in terms of prayer clauses (a) and (b).

4. Resultantly, order dated 30th November, 2023 passed by the learned Registrar (Judicial -II) in Civil Application No.1126 of 2019 in Second Appeal No.557 of 2002 is also quashed and set aside.

5. Amendment be carried out within a period of 2 weeks from today. Re-verification is dispensed with. Amended copy of the Second Appeal be served on all the Respondents within a period of 2 weeks thereafter.

Civil Application No.1323 of 2009

6. The Civil Application No.1323 of 2009 is taken out for expeditious hearing of the Second Appeal.

7. The Second Appeal is of the year 2002 and the parties are Senior Citizens. Accordingly, the Second Appeal be added in the final hearing board commencing from **8th September, 2025**.

[MADHAV J. JAMDAR, J.]