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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 13265 OF 2024**  
**IN**  
**SECOND APPEAL NO. 238 OF 2019**

Shyamaprasad Vinayak Athawale

.....Applicant

Vs.

Rajendra Raghunath Athawale and ors

.....Respondents

Mr. Rohan P. Surve for the applicant

Mr. Yogesh Dandekar a/w Ms. Harshita Jangid for respondent no. 11A

Mr. Shreeram Shirsat (VC) a/w Mr. Shekhar V. Mane i/b Ms. Deepti Wadkar/Shirsat for respondent nos. 1 to 4

**CORAM : GAURI GODSE, J.**

**DATE : 3<sup>rd</sup> JANUARY 2025**

**ORDER:**

**INTERIM APPLICATION NO. 13265 OF 2024:**

1. This application is for bringing on record names of heir and legal representative of respondent no. 11. There is delay in filing the application. The heir and legal representative is served with the application and is represented through advocate.

2. Learned counsel for the applicant submits that respondent no. 7 has expired and heirs and legal representatives are already on record

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in different capacity. He further submits that the application also prays for permission to delete respondent no. 7.

3. Learned advocate for respondent no. 11A has no objection to condone the delay and allow the application.

4. In the facts and circumstances of the case, delay is condoned and the application is allowed in terms of prayer clause (a) to (d).

5. Amendment to be carried out within two weeks.

#### **SECOND APPEAL NO. 238 OF 2019:**

6. Learned counsels for the parties on instructions submit that the parties are exploring the possibility of an amicable settlement.

7. Learned counsel appearing for respondent nos. 1 to 4 on instructions submits that though the parties are exploring the possibility of an amicable settlement, the talks may not proceed further without carrying out measurement of the disputed lands.

8. Learned counsel for the appellant submits that appellant would be agreeable for measurement. He submits that within a week, he would accordingly intimate the learned counsel for the respondents regarding further process for carrying out measurement.

9. To enable the parties to resolve the dispute, list the second appeal on 10<sup>th</sup> February 2025. To be listed under the caption for 'Settlement'.

**[GAURI GODSE, J.]**