

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.67 OF 2020
WITH
INTERIM APPLICATION NO.1270 OF 2025
WITH
INTERIM APPLICATION NO.1269 OF 2025
WITH
INTERIM APPLICATION NO.1268 OF 2025
WITH
INTERIM APPLICATION NO.1266 OF 2025
WITH
CIVIL APPLICATION NO.46 OF 2020
IN
SECOND APPEAL NO.67 OF 2020

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Yashwant Tukaram Shivale

(Since deceased through LR's)

1a. Fulabai Yashwant Shivale and Ors. ...Appellants/Applicants

V/s.

Popat Vitthal Shivale and Ors.

...Respondents

Mr.Sudhir Vinayak Sadavarte:-

Advocate for Appellants/Applicants.

CORAM : S. M. MODAK, J.

DATE : 25th SEPTEMBER 2025

P. C. :-

INTERIM APPLICATION NO.1266 OF 2025

1. Heard learned Advocate Shri.Sadavarte for the Appellants.
2. The Respondent No.6 – Deepak Sudam Suryavanshi expired on

20th March 2021. The Respondent Nos.6a to 6c are his Legal Representatives. Notice was issued to these Legal Representatives. There is an Affidavit of service. No one has appeared.

3. There is a delay of 152 days. For the reasons stated in the Application, **it is allowed in terms of prayer clauses (b) and (c).** Amendment to be carried out within two (2) weeks.

4. Issue notice before Admission to these Respondents returnable on **6th November 2025.**

5. In view of that, **Interim Application is disposed of.**

INTERIM APPLICATION NO.1268 OF 2025

6. Heard learned Advocate Shri.Sadavarte for the Appellants.

7. The Respondent No.3 – Bhimabai Vitthal Shivale expired on 29th November 2023. The Respondent Nos.3a to 3c are her Legal Representatives. Notice was issued to these Legal Representatives. There is an Affidavit of service. No one has appeared.

8. There is a delay of 4 years and 20 days. For the reasons stated in the Application, **it is allowed in terms of prayer clauses (b) and (c).** Amendment to be carried out within two (2) weeks.

9. Issue notice before Admission to these Respondents returnable on **6th November 2025.**

10. In view of that, **Interim Application is disposed of.**

INTERIM APPLICATION NO.1269 OF 2025

11. Heard learned Advocate Shri.Sadavarte for the Appellants.

12. The Respondent No.7 – Sudam Jagannath Suryavanshi expired on 10th March 2020. The Respondent Nos.7a to 7c are his Legal Representatives. Notice was issued to these Legal Representatives.

There is an Affidavit of service. No one has appeared.

13. There is a delay of 4 years and 20 days. For the reasons stated in the Application, **it is allowed in terms of prayer clauses (b) and (c).** Amendment to be carried out within two (2) weeks.

14. Issue notice before Admission to these Respondents returnable on **6th November 2025.**

15. In view of that, **Interim Application is disposed of.**

INTERIM APPLICATION NO.1270 OF 2025

16. Heard learned Advocate Shri.Sadavarte for the Appellants.

17. This is an Application for bringing the Legal Representatives of the Respondent No.5 – Dnyonba Tukaram Shivale. He expired on 24th December 2015. However leaving behind Respondent Nos.3a, 3b and Respondent No.4. Inadvertently in the prayer clause, the Respondent No.4 is not mentioned and instead of Respondent No.5, it is typed as

Respondent No.3. Oral leave is sought to amend the prayer clause (c).

Granted. In prayer clause (c), Respondent No.4 be added in the first line and instead of Respondent No.3, Respondent No.5 be replaced. Amendment be carried out forthwith.

18. The Respondent No.4 is already there on record. Wheres Respondent Nos.3a to 3c are permitted to be brought on record by the order passed in Interim Application No.1268 of 2025. That is why present Interim Application is also **allowed in terms of prayer clauses (a) and (b).** Notice be issued to the newly added Respondents returnable on **6th November 2025.**

19. In view of that, **Interim Application is disposed of.**

[S. M. MODAK, J.]