

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3529 OF 2024
IN
SECOND APPEAL NO. 455 OF 2015
AND
INTERIM APPLICATION NO.14933 OF 2023**

Aba Sagu Jagdale (Deceased) ... Applicants

vs.

Shantaram Sagu Jagdale and Ors. ... Respondents

Mr. Kapil P. Shetye for the Applicants.

Mr. Vaibhav P. Patankar for Respondent No.1 (through VC).

Mr. Sahil S. Ghule i/b Avinash Avhad for Respondent Nos.2, 3, 5 to
11 and 13 to 15.

CORAM : GAURI GODSE, J.

DATED : 26th FEBRUARY 2025

ORDER:

INTERIM APPLICATION NO. 3529 OF 2024

1. This application is for restoration of the second appeal and the Interim Application No. 14933 of 2023 for bringing on record names of heirs and legal representatives of deceased sole appellant.

2. Learned counsel for the applicants submits that the decree impugned in the second appeal is passed only against the

deceased appellant i.e. defendant no.4. He submits that respondent no.1 is the original plaintiff. He submits that there is no decree passed against the remaining respondents. He, therefore, seeks leave to delete the remaining respondents.

3. Learned counsel for the applicants submits that the sole appellant had expired before the order dated 12th October 2023 was passed. He submits that an application for bringing on record heirs and legal representatives was already filed. However, he submits that since the appellant's advocate was also unwell and subsequently expired, the appeal was unattended on 12th October 2023.

4. Learned counsel appearing for the respondents does not seriously oppose restoration of the second appeal and the interim application.

5. The applicants are permitted to delete respondent nos.2 to 15(d) at the risk of the applicants.

6. Amendment to be carried out within four weeks from today.

7. Hence, in the facts and circumstances of the case, delay is condoned and the Interim Application No.3529 of 2024 is allowed in terms of prayer clauses (i) and (ii). Interim Application is disposed of.

INTERIM APPLICATION NO.14933 OF 2023

8. Not on board. Taken on board.

9. This application is for bringing on record names and heirs of legal representatives of the deceased sole appellant. There is delay in filing the application. The applicants are already permitted to delete all the respondents except respondent no.1. The applicants are permitted to delete remaining respondents at the risk of the applicants.

10. In the facts and circumstances of the case, delay is condoned and the Interim Application No.14933 of 2023 is allowed in terms of prayer clauses (I) and (I). Interim Application is disposed of.

11. Amendment to be carried out within four weeks from today.

(GAURI GODSE, J.)