

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9089 OF 2024
IN
CIVIL REVISION APPLICATION NO. 659 OF 2019

Mr. Vikas Baban Jadhav (Deceased) ... Applicants
Thr. Lrs. Mrs. Reshma Sanjay Sakpal

V/s.

Mr. Mahadeo Shivaji Rane Thr. C.A. ... Respondents
Mr. Nandkumar Mahadeo Rane And
Anr

Mr. S.P. Ramdasi, for the applicants.

Ms. Triveni Jani I/by S.M. Jani, for the respondents.

CORAM : N.J. JAMADAR, J.
DATE : 2nd SEPTEMBER 2025.

PC:

1. Heard the learned counsel for the parties.
2. The delay in taking out the application to bring the legal representatives on record stands condoned.
3. The applicants are permitted to amend the plaint in accordance with the schedule of amendment within a period of three weeks from today.
4. This is an application to bring the applicants as the legal representatives of the deceased applicant on record.

5. The applicants claim to be the sisters of Vikas Jadhav, who has filed the instant application, being aggrieved by the judgment and decree passed by the Appellate Bench of the Court of Small Causes in Appeal No. 4 of 2018, whereby the appeal preferred by the respondent-original defendant in R.A.E Suit No. 577 of 2007 came to be allowed and the suit came to be dismissed.

6. During the pendency of this application, the applicant passed away on 30th May 2020. It appears that one Prakash Jadhav had preferred an application being Interim Application No. 6355 of 2024 to bring the legal representatives of the deceased applicant on record. By an order dated 4th March 2024 this Court was persuaded to reject the said application noting, inter alia, that Prakash Jadhav, the applicant No. 5 therein, who had only verified the application, did not appear to be the legal representative of the deceased applicant.

7. The applicants have now preferred this application, claiming that they are the sisters of the deceased applicant, and the whereabouts of Smt. Poonam Vikas Jadhav, the wife of the deceased applicant, are not known.

8. In view of the aforesaid contentions, by an order dated 10th September 2024, notice was directed to be issued to Smt. Poonam Vikas Jadhav. The office report indicates that the notice was returned unserved with the remark that Smt. Poonam Vikas Jadhav has left the house prior to two years and she was not in touch with the family members.

9. Respondents resisted the application by filing an affidavit-in-

reply. The rejection of earlier application was pressed into service as an impediment for the instant application.

10. Learned counsel for the respondent invited the attention of the Court to the observations and the averments in Para Nos. 6 and 7 of the application filed by Mr. Prakash Jadhav i.e. Interim Application No. 6355 of 2024. It was submitted that, the aforesaid averments would indicate that the applicants herein had not appeared before the Court, though Mr. Prakash Jadhav had intimated the applicants about the instant proceeding. Thus, applicants were not diligent in approaching the Court, submitted the learned counsel for the respondent.

11. The learned counsel for the respondent however fairly submitted that, the relationship of the applicants with the deceased revision-applicant is not disputed. The learned counsel would urge that, there is no adequate material to show that Smt. Poonam Vikas Jadhav, the wife of the deceased, has remarried, as contended on behalf of the applicants.

12. Interim application No. 6355 of 2025 was rejected by this Court, as there were structural defects in the said application and Prakash Jadhav, who had verified the said application, did not appear to be a legal representative of the deceased revision-applicant. The applicants, on the other hand, appear to be the heirs of the deceased applicant. Therefore, the fact that Mr. Prakash Jadhav has made certain averments in the Interim Application No. 6355 of 2025 cannot be arrayed against the applicants. It is also not the case that, the notices in the said application were then issued to the applicants. Therefore,

the rejection of the earlier application does not operate as an impediment for the tenability of this application. It is not in dispute that the applicants are the heirs of the deceased applicant. Thus, to have an effective representation of the estate of the deceased applicant and advance the cause of substantive justice, the application deserves to be allowed.

13. Hence, the following order:

O R D E R

- i) The application stands allowed.
- ii) The applicants are permitted to bring themselves on record as the legal representatives of the deceased revision- applicant.
- iii) Necessary amendment be carried out within a period of three weeks and amended copy of the application be served on the respondents.
- iv) The application stands disposed.

(N.J. JAMADAR, J)