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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION ST NO. 21883 OF 2017

IN

CIVIL APPLICATION NO. 409 OF 2012

WITH

INTERIM APPLICATION NO. 10928 OF 2025

INTERIM APPLICATION NO. 10930 OF 2025

INTERIM APPLICATION NO. 10933 OF 2025

INTERIM APPLICATION NO. 10935 OF 2025

INTERIM APPLICATION NO. 10936 OF 2025

INTERIM APPLICATION ST NO. 35753 OF 2024

INTERIM APPLICATION ST NO. 4759 OF 2021

CIVIL APPLICATION ST NO. 12101 OF 2018

CIVIL APPLICATION ST NO. 21888 OF 2017

INTERIM APPLICATION ST NO. 4759 OF 2021

IN

SECOND APPEAL NO. 700 OF 1991

WITH

SECOND APPEAL NO. 700 OF 1991

Ankush Balasaheb Bande and anr

.....Applicants

Vs.

Tukaram Shivram Pote and anr

.....Respondents

WITH

CIVIL APPLICATION ST NO. 31854 OF 2017

IN

CIVIL APPLICATION ST NO. 21883 OF 2017

Jagdish Shahaji Gaikwad

.....Applicant

Vs.

Tukaram Shivram Pote and anr

.....Respondents

WITH

INTERIM APPLICATION NO. 10931 OF 2025

IN

SECOND APPEAL NO. 700 OF 1991

Ashok Ankush Bande
Deceased and anr

.....Applicants

Vs.

Tukaram Shivram Pote
Since Decd. Thr. LRs

.....Respondents

Mr. Nilesh Mohan Wable for the applicants
Mr. Sumit Khaire for respondent nos. 1b(i)(ii)(iii), 1c, 3a to 3d,
4a and 4d, 5a, 6a, 6b and 7.

CORAM : GAURI GODSE, J.

DATE : 8th AUGUST 2025

ORDER:

1. Not on board. Taken on the production board.

SECOND APPEAL NO. 700 OF 1991:

2. Time to carry out amendment is extended by three weeks.

CIVIL APPLICATION ST NO. 12101 OF 2018:

3. This application is for bringing on record name of respondent no. 5a as heirs and legal representative of deceased respondent no. 5. The heirs and legal representative is served and represented through advocate.

4. In the facts and circumstances of the case, application is allowed in terms of prayer clause (b). Amendment to be carried

out within three weeks.

INTERIM APPLICATION ST NO. 4759 OF 2021:

5. This application is for deleting the name of respondent nos. 1(a) and 1(b)(i). Learned counsel for the applicants submits that these respondents have expired and the heirs and legal representatives are already on record in different capacity. The averments with regard to the same are made in paragraph 6 of the application.

6. For the reasons stated in the application, it is allowed in terms of prayer clause (b) and (c). Amendment to be carried out within three weeks.

INTERIM APPLICATION NO. 10928 OF 2025:

7. This application is for bringing on record name of respondent no. 6 as heirs and legal representative of deceased respondent no. 5. The heirs and legal representative is served and represented through advocate.

8. In the facts and circumstances of the case, application is allowed in terms of prayer clause (a), (b) and (c). Amendment to be carried out within three weeks.

INTERIM APPLICATION NO. 10930 OF 2025:

9. Issue notice to respondent nos. 4c(i) to 4c(iv). Notice is

made returnable on 9th October 2025.

10. In addition to Court notice, learned advocate for the appellants shall serve the said respondents by private notice and file affidavit of service before the next date.

11. Learned advocate for the applicants shall ensure that the copies are supplied and Court notice is served by taking Hamdast.

INTERIM APPLICATION NO. 10935 OF 2025:

12. Issue notice to respondent no. 10. Notice is made returnable on 9th October 2025.

13. In addition to Court notice, learned advocate for the appellants shall serve the said respondent by private notice and file affidavit of service before the next date.

14. Learned advocate for the applicants shall ensure that the copies are supplied and Court notice is served by taking Hamdast.

INTERIM APPLICATION NO. 10936 OF 2025:

15. Issue notice to respondent nos. 8a to 8d. Notice is made returnable on 9th October 2025.

16. In addition to Court notice, learned advocate for the appellants shall serve the said respondents by private notice and file affidavit of service before the next date.

17. Learned advocate for the applicants shall ensure that the copies are supplied and Court notice is served by taking Hamdast.

18. Stand over to 9th October 2025.

[GAURI GODSE, J.]