



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NOS.613 OF 2025 and 614 OF
2025
IN
SECOND APPEAL NO.275 OF 2022

Mrs. Bhagiratha w/o Santoshji Gaurkar and ors **Vs.** Shri. Rupchand S/o
Kundalik Kadu and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. S. A. Dutonde, Advocate for applicants/appellants.
Dr. R. I. Agrawal, Advocate for non-applicant/respondent Nos. 1,2
and 4 to 7.

CORAM : ROHIT W. JOSHI, J.
DATE : 12.11.2025.

. The appellant no.3 has expired on 25.02.2025. The other appellants have filed application for bringing her legal representatives on record. There is a delay in filing the said application.

2. Separate application is filed seeking condonation of delay. In paragraph No.6 of the application for condonation of delay a statement is made that the legal representatives of deceased appellant no.3 do not wish to prosecute the appeal and have refused to join the appeal as legal representatives of deceased appellants. It is stated in such circumstances that there is a delay of 34 days in filing application for bringing the legal representatives of deceased appellant No.3 on record.

3. Since the legal representatives do not wish to prosecute the appeal as appellants, they cannot be forced

to prosecute the appeal as appellants. However, since the appeal arises out of a suit for partition, appellants/applicants are permitted to bring the legal representatives of deceased appellant no.3 on record as respondent Nos.9 to 14.

4. The explanation offered seeking condonation of delay is appears to be just and proper and accordingly, delay caused in filing application for bringing legal representatives of appellant no.3 is condoned, abatement of appeal, if any, is set aside and permission is granted to bring the names of legal representatives of deceased appellant no.3 on record as respondent Nos.9 to 14.

5. The civil applications are **disposed of**.

SECOND APPEAL ST. NO.4292 OF 2025

6. Legal representatives of deceased appellant no.3 were permitted to be brought on record vide order dated 08.10.2025. The application was allowed without noticing the statement in the civil application that the legal representatives were not desirous of prosecuting the appeal as appellants.

7. In view of the above, the appellants/applicants are permitted to transpose the legal representatives of appellant no.3 as respondent Nos.9 to 14 in the appeal.

8. In both the matters, necessary amendment be carried out on or before **21.11.2025**.

9. List the appeal for further consideration on
03.12.2025.

(ROHIT W. JOSHI, J.)

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