

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

CIVIL APPLICATION (CAS) NO. 310/2025 IN
SECOND APPEAL NO. 389/2023

(Uttam s/o Pandurang Wankhede & ors. Vs. Narayan Kisan Ile & ors.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A.M. Ghare, Advocate for appellants/applicants.
 Mr. S.N. Muley, Advocate for respondent No.1/Non-applicant.

CORAM: ROHIT W. JOSHI, J.
DATED : 15/04/2025.

Heard.

2. This application is filed under Order I Rule 10 of the Code of Civil Procedure, 1908 seeking addition of names of legal representatives of deceased respondent No.3 Radhabai Gawande on record. Respondent No.3 has expired on 17.06.2021 while R.C.A. Nos. 10/2016 and 11/2016 were pending. Deceased respondent No.3 is respondent in R.C.A. No. 10/2016 and appellant No.2 in R.C.A. No. 11/2016. It is not disputed that fact of her demise was not brought to the notice of the learned Appellate Court and both the appeals have been decided by learned First Appellate Court, without mentioning the said fact.

3. In view of above, I am inclined to allow the application for addition of legal representatives of deceased respondent No.3 in appeal as respondent Nos. 3(a) to 3(d).

4. Necessary correction will be carried out within two weeks from today. The effect of demise of respondent No.3 Radhabai Gawande will be considered at the time of hearing of appeal for admission.

(ROHIT W. JOSHI, J.)

Gohane