



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (CAS) NOS. 453/2025 & 454/2025
WITH
PURSIS (ST) NO. 4 OF 2025
IN
SECOND APPEAL NO. 398 OF 2018**

Namdeo Sakharam Payghan (dead) through LR.
Vs.
Prabhakar Shivram Wankhede and others

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

Court's or Judge's Order

Shri R. N. Ghuge, Advocate for appellants.
Shri V. B. Gawali, Advocate for proposed LR's of respondent nos. 1 & 2.

CORAM :- M. W. CHANDWANI, J.

DATED :- 27.06.2025

Heard.

2. For the reasons mention in the application, the delay in filing the application for bringing on record the names of legal heirs of deceased- respondent no. 2 is condoned.

3. Since, the right to sue survives against the legal heirs of deceased- respondent no. 2, the appellant is permitted to bring their names on record.

4. Also, permission is granted to delete the name of respondent no. 1 since he died during the pendency of the First Appeal and the appeal came to be filed against deceased- respondent no. 1. Hence,

permission is granted to add the names of the legal heirs of respondent no. 1 mentioned in the Pursis bearing Stamp No. 4/2025.

5. The necessary amendment be carried out with a week.

6. Shri Gawali, learned counsel, waives service of notice for proposed legal heirs of deceased- respondent no. 1 and 2 in the Second Appeal.

7. The applications are disposed of accordingly.

8. Stand over to 14.07.2025.

(M. W. CHANDWANI, J.)