



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

SECOND APPEAL NO. 149 OF 2025

(Prabhudas Tulsiram Deshmukh (dead) through LRs. vs. Shishupal w/o Patiram Tarjule and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. U.K. Bisen, Advocate for the appellants.
Mr. A.M. Chandekar, Advocate for respondents.

CORAM : ABHAY J. MANTRI, J.

DATE : JUNE 03, 2025

- 1) Heard learned counsel for the parties.
- 2) Learned counsel for respondents raised an objection to the maintainability of the Second Appeal against the impugned order and pointed out Order 43 Rule 1(u) of the Civil Procedure Code.
- 3) In response, learned counsel for appellants submitted that in such circumstances, appellants be permitted to convert the Second Appeal into an Appeal from Order.
- 4) Accordingly, permission is granted as prayed, if permissible in accordance with the law. The appellants are directed to take the necessary steps for the conversion of the Second Appeal into an Appeal from Order.
- 5) Learned counsel Mr. Chandekar waives service of notice on behalf of respondents.
- 6) List the matter on **09/06/2025**.

(ABHAY J. MANTRI, J.)