

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.1106 OF 2026

IN

FIRST APPEAL NO.478 OF 2018

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Vinod Narayan Patil

...Applicant

/Org. Appellant No.2

IN THE MATTER BETWEEN:

Arun Narayan Patil & Anr.

...Appellants

Versus

Sunil Rajaram Raut

...Respondent

Mr. Vishnudutt Mishra i/by Mr. Ashish U. Mishra for the Applicant.

Mr. Pawan Tiwari i/by Mr. Vishwajeet Kapse for the Respondent.

CORAM : JITENDRA JAIN, J.

DATE : 12 FEBRUARY 2026

P.C.:

1. Leave to amend the interim application granted. Amendment to be carried out forthwith to amend prayer clause (a) in all the proceedings of the present appeal.

2. This application is taken out for restoration of First Appeal No.478 of 2018 and Civil Application No.1443 of 2018 which was dismissed because the appellant did not step to bring legal heirs on record.

3. The learned counsel for the applicant-appellant no.2 states that legal heirs of appellant no.1 are not interested in pursuing the present appeal. In the light of this fact, appellant no.1 is directed to be deleted.

4. Since the appeal was dismissed for not taking steps to bring legal heirs of appellant no.1 on record and legal heirs of appellant no.1

are now not interested in pursuing the present appeal, the cause for which the appeal was dismissed does not survive. However, appellant no.2 should not suffer because of this. Therefore, the appeal and civil application is restored *qua* appellant no.2.

5. Interim Application is disposed in above terms.

[JITENDRA JAIN, J.]