



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

CIVIL APPLICATION (CAS) NO.748 OF 2023
IN
SECOND APPEAL NO. 420 OF 2010

Deity Shri Sant Latore Maharaj Sanstha and ors. **Vs.** Sheshrao Bapurao Gare 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. A. M. Ghare, Advocate for applicants.

Mr. Joharapurkar, Advocate for respondent No.3 in SA No.420/10
and for appellants in SA No.337/10.

CORAM : ROHIT W. JOSHI, J.

DATE : 28.01.2026.

. Respondent No.3 has expired. This is an application for bringing his legal representatives on record.

2. Learned advocate for appellants/applicants states that deceased respondent No.3 had filed separate Second Appeal challenging the same judgment and decree, being Second Appeal No.337 of 2010, in which an application for bringing his legal representatives on record is filed. He states that the names of the legal representatives mentioned in the present Civil Application and the legal representatives mentioned in Civil Application No.733 of 2023, i.e., the application for bringing legal representatives of appellant in Second Appeal No.337 of 2010, are different. He therefore prays that the names of legal representatives as mentioned in Civil Application

No.733 of 2023 be permitted to be brought on record in the present Second Appeal as well.

3. In view of the aforesaid, permission is granted to bring the names of the legal representatives of deceased respondent No.3, as mentioned in Civil Application (CAS) No.733 of 2023, on record in the present second appeal.

4. Issue notice to the legal representatives of respondent No.3, returnable on **27.02.2026**.

5. The appellants are directed to serve the legal representatives of deceased respondent No.3 by Speed Post, in addition to regular mode of service and file affidavit of service before the returnable date.

6. Learned Advocate, Mr. Joharapurkar, waives service of notice for respondent No.3.

CIVIL APPLICATION NOS.746 AND 747 OF 2023.

7. Respondent No.2 has expired. These are applications seeking condonation of delay, setting aside abatement and bringing his legal representatives on record.

8. There is a delay of around 1339 days in filing the application. For the reasons mentioned in the application, which are not controverted by filing reply, applications for condonation of delay, setting aside abatement of appeal against respondent No.2 and

permission to bring the legal representatives of deceased respondent No.2 are **allowed**.

9. Necessary amendment be carried out on or before **06.02.2026**.

10. Issue notice to legal representatives of respondent No.2, returnable on **27.02.2026**.

11. The appellants are directed to serve the legal representatives of deceased respondent No.2 by Speed Post, in addition to regular mode of service and file affidavit of service before the returnable date.

12. Learned Advocate, Mr. Joharapurkar waives service of notice for respondent No.2.

13. However, having regard to the delay, the applicants are directed to deposit costs of Rs.2,500/- in the account of **“Public Welfare Account”** bearing **Account No.129112010001014 IFSC Code : UBIN0812978** on or before 11.02.2026. Failure to deposit the costs within the aforesaid period, will result in rejection of the application without further reference to the Court.

CIVIL APPLICATION NO.749 OF 2023.

14. Appellant No.1 is a private Trust of the family of appellant Nos.2 to 5. The scheme of the Trust indicates that appellant nos.2 to 5 (brothers) would be managers of the Trust. The scheme also provides that, in the event of the demise of any of the aforesaid brothers, the eldest

son of the deceased brother would be appointed as manager in his place.

15. Appellant Nos.2, 3 and 4 have expired. However, appellant Nos.3 and 4 do not have any son. Appellant No.5 has, therefore, filed this application for bringing eldest son of appellant no.2 on record.

16. Having regard to the scheme of the Trust, permission is granted to incorporate name of Gulbsingh Ramlal Khenwar as appellant No.2(a).

17. It is the contention of the respondents in the appeal that appellant No.2 to 5 are not Trustees of the appellant No.1/Trust. These respondents also dispute the scheme of the Trust. The aforesaid objections are kept open to be agitated at the time of hearing of the appeal.

CIVIL APPLICATION NOS.732 OF 2023, 733 OF 2023 AND 734 OF 2023 IN SECOND APPEAL NO. 337 OF 2010.

18. The appellant No.1 has expired. Appellant No.2 is his son. Apart from the appellant No.2, deceased appellant No.1 is survived by three more legal representatives, i.e., present applicant Nos.1(A) to 1(C).

19. For the reasons mentioned in the applications, which are not disputed by filing reply, the applications for condonation of delay in bringing legal representatives of deceased appellant no.1 on record is condoned, abatement of appeal against appellant No.1 is set aside

and permission is granted to bring names of applicant Nos.1(A) to 1(C). as legal representatives of deceased appellant No.1.

20. Apart from applicant Nos.1(A) to 1(C), applicant No.2 will also be treated as legal representative of deceased appellant No.1.

21. Necessary amendment be carried out on or before **06.02.2026**.

22. However, having regard to the delay, the applicants are directed to deposit costs of Rs.2,500/- in the account of **“Public Welfare Account”** bearing **Account No.129112010001014 IFSC Code : UBIN0812978** on or before 11.02.2026. Failure to deposit the costs within the aforesaid period, will result in rejection of the application without further reference to the Court.

23. Civil applications are **allowed**.

(ROHIT W. JOSHI, J.)

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