



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

**SECOND APPEAL ST. NO.21550 OF 2025**

Shri Basantkumar @ Balbhadra S/o Jagannathsingh Yadav (Dead) through LR. .Vs.  
Shri Udaysingh S/o Chirkut Patil (Dead) through LR.

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

Court's or Judge's Order

Mr. H.I. Kothari, Advocate for appellants.

Mr. Onkar Bhope, Advocate for respondent No.1 -A.

**CORAM : ROHIT W. JOSHI, J.**

**DATE : 18/02/2026**

1. The respondent No.2 is reported to be dead. She is widow of original respondent No.1- Udaysingh Chirkut Patil. Legal representatives of respondent No.1 are already on record. In view of above, the learned Advocate for the appellants seeks leave to delete the name of respondent No.2. Permission is granted. Necessary amendment be carried out on or before **26.02.2026**.

**CIVIL APPLICATION (CAS) NO.68 OF 2026**

1. There is a delay of 70 days in filing second appeal. It is stated that since two Regular Civil Appeals were decided simultaneously, due to confusion, application for certified copy was made in one of the appeals only. It is stated that the delay has occurred since application for obtaining certified copy of judgment and decree which is impugned in the present second appeal was not made earlier. Although learned Advocate for the respondent No.1(a) strongly opposes the application, for the reasons stated in the application, delay is condoned.

CIVIL APPLICATION (CAS) NO.117 OF 2026 IN  
SECOND APPEAL ST. NO.21570 OF 2025

1. Issue notice to the non-applicants, returnable on **13.03.2026**.

2. The learned Advocate for the appellants states that the controversy involved in the present appeal and Second Appeal St. No.21550 of 2025 is identical. He therefore submits that the substantial questions of law which have been tentatively framed vide order dated 21.01.2026 also arise for consideration in the present Second Appeal. He also prays that the interim order be passed in the present appeal as well as passed in the connected appeal. In view of the statement made, the non-applicants are put to notice that the following substantial questions of law may arise for consideration :-

*“i) Whether the right to prosecute the proceedings is lost merely because the plaintiff transfer the suit property during the pendency of the suit?*

*ii) Whether Chottelal can be said to be ostensible owner of the suit property merely on the basis of mutation of his name in the records of Municipal Council ?*

*iii) Whether the appeal was liable to be dismissed for non-joinder of plaintiff No.1(g) as party respondent to the appeal ?”*

3. Parties are directed to maintain *status quo* till the returnable date.

(ROHIT W. JOSHI, J.)

*C.L. Dhakate*