

CNR-MHBU010000162013



Reg. Civil Appeal No.6/2013.

Sudhakar s/o. Bajirao Dhamak

Vs.

Madhav s/o. Waman Nawghare &

4 Ors.

Order Below Exh.52

(Dated : 10-03-2026)

1] The appellant has filed the present application for recording the death of Respondent No.2, Nandkishor Waman Nawghare, and for proceeding with the matter against the remaining respondents.

2] The material averments made in the application are as follows :-

During the pendency of this appeal, Respondent No.2, Nandkishor Waman Nawghare, passed away on 08.09.2022. He was unmarried, and his sole legal heir is his mother, who is already on record. Therefore, the appellant prayed that since the right to sue survives in the appeal, it is necessary to cause an entry to be made on the record and to proceed with the appeal.

3] The learned Advocate for respondents, by filing their say on the application itself, has given no objection for the same.

4] Heard the learned Advocate for the appellant and the learned Advocate for the respondents. Perused the application, say and documents filed on record.

5] Upon perusal of the record, it appears that during the pendency of the appeal, Respondent No.2, Nandkishor Waman Nawghare, died on 08.09.2022. The appellant has already filed the

death certificate of Respondent No.2 along with list Exh.46 on record. Respondent No.2 was unmarried at the time of his death. His sole legal heir, i.e., his mother is already on record as a party to this appeal. Therefore, the right to sue survives against the surviving respondents on record. Moreover, the application is supported with an affidavit of the appellant. There is no counter version on oath in probability with that of the appellant. The dispute pertains to immovable property. The rights of the parties are at stake. Having regard to the averments in the application, the nature of dispute and no objection given by the remaining respondents, the application deserves to be allowed. Resultantly, I am inclined to pass the following order.

Order

1. Application (Exh.52) is hereby allowed.
2. The appellant is directed to carry out necessary amendment in the appeal memo and file the amended copy of the appeal memo, within two weeks.
3. The appeal shall proceed against the remaining respondents.

Date: 10-03-2026.

(R. N. Rokade)
Principal District Judge, Buldana.

Certificate

“I affirm that, the contents of this PDF file order are same word for word as per original order.”

Name of Steno	Shri. D.S.Ingle, Stenographer (Grade-III)
Name of Court	Principal District Judge, Buldana.
Date of Order	10-03-2026
Dictated on	10-03-2026
Transcribed on	10-03-2026
Checked and signed on	10-03-2026
Uploaded on	10-03-2026

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