

R.C.A. No.216/2019
Shivaji & ors. V/s. Kamal & ors.
CNR No. MHLA010041112019

ORDER BELOW EXH.82

This is an application moved by appellant No.1 for getting delay condoned and setting aside abatement

2. On 26.09.2025 order was passed observing that, in fact, the appellant No.1 does not appear to have locus standi to move application on behalf of LR's of appellant No.9. If the LR's want to continue the appeal, they should themselves come before the court and apply for their impleadment as LR's. One can not be forced to be appellant or plaintiff against his wish. Had the party been respondents or defendants, the point would have been different. In this background, in the interest of justice, the notices were issued to the proposed LR's to see whether they would appear and express their wish to continue the appeal. The LR's are not responding the notices. This is a suit for partition and as appellant No.9 is necessary party in the suit. In absence of LR's of appellant No.9, matter can not be decided. As appellant No.1 has moved application for transposing of LR's of appellant No.9 as respondents, this application would not survive. Hence, rejected.

Date : 12/03/2026

(Vidyadhar S. More)
Adhoc District Judge-1,
Latur