

R.C.A. No.216/2019

Shivaji Wamanrao Joshi & Ors.

V/s.

Kamal Shivaji Jadhav & Ors.

ORDER ON EXH.82.

This is an application moved by appellant No.1 for setting aside abatement against deceased appellant No.9. Along-with this application appellant No.1 has also filed the application of delay condonation and application for bringing LR's of deceased appellant No.9 on record. In fact such an application, as deceased is "appellant", is supposed to be moved by his LR's themselves. It is argued before Court that LR's of appellant No.9 are not willing to come before Court and under such background appellant No.1 has to move this application. If such an application is allowed, even if the LR's is reluctant to come before the Court or to continue the appeal, what will be the consequence. The consequence will be that they will be appellant against their own wish which is not contemplated by law. Under that contingency, other appellants are not left remediless. They can very well make LR's as respondents. In such situation, as already these applications are filed on record, I think that the Court should issue notices to the proposed LR's of all these applicants and see whether they come before Court and state whether they want to continue with the appeal as appellant or not. If they will not come before Court the other appellants may opt another way. But for that, the notices are required to be issued to the proposed LR's. Accordingly,

issue notices to the proposed LR's of all the applications. The appellant No.1 is directed to file copies of the applications for sending along-with notices to the proposed LR's.

Date : 26/09/2025

Place : Latur

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