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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 930 OF 2016
WITH
CIVIL APPLICATION NO. 1923 OF 2016
WITH
INTERIM APPLICATION NO. 30633 OF 2022
WITH
INTERIM APPLICATION NO. 30634 OF 2022
WITH
INTERIM APPLICATION NO. 30632 OF 2022
WITH
INTERIM APPLICATION NO. 30631 OF 2022
IN
SECOND APPEAL NO. 930 OF 2016**

Nivrutti Karbhari Pagare and Ors

.....Appellants

Vs.

Shri. Vitthal Karbhari Pagare and Ors

.....Respondents

Mr. D. J. Deshmukh for appellants

Mr. Rameshwar Gite a/w Mr. Sushant N. Tare, Mr. Rohit Gorade for respondent no. 1 in IA 30633 of 2022, IA 30634/2022, IA 30632 of 2022 and IA 30631/2022

CORAM : GAURI GODSE, J.

DATE : 26th AUGUST 2024

ORDER:

SECOND APPEAL NO. 930 OF 2016:

1. Second appeal is pending for admission. Office remark shows

that all the respondents are not served and office objections are not removed.

2. Six weeks time is granted to take steps against unserved respondents and to remove office objections.

INTERIM APPLICATION NO. 30632 OF 2022:

3. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 3. Office note dated 23rd August 2024 indicates that heirs and legal representatives of deceased respondent no. 3 are served.

4. There is delay of 15 days in filing the application. There is no opposition to the application. For the reasons stated in the application, delay is condoned and application is allowed in terms of prayer clause (a) and (b). Amendment to be carried out within four weeks from today.

INTERIM APPLICATION NO. 30634 OF 2022:

5. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 1. There is delay in filing the application.

6. Learned counsel for the applicants submits that the reasons for

the delay and the steps taken to file the application are explained in paragraph nos. 3 to 7.

7. Heirs and legal representatives of deceased respondent no. 1 are served and represented through advocate.

8. Learned counsel appearing for heirs and legal representatives of respondent no. 1 submits that the reasons given in the application are not satisfactory and thus, cannot be accepted.

9. I have perused the reasons stated in the application, more particularly the reasons given in paragraph no. 7. The reasons given in the application are acceptable and condonable. Hence, for the reasons stated in the application, delay is condoned and the application is allowed in terms of prayer clauses (a), (b) and (c). Amendment to be carried out within four weeks.

10. Learned counsel appearing for heirs and legal representatives of respondent no. 1 waives notice of second appeal.

INTERIM APPLICATION NO. 30633 OF 2022:

11. Await service. Stand over to 21st October 2024.

INTERIM APPLICATION NO. 30631 OF 2022:

12. Learned counsel for the applicants seeks time to verify whether all the respondents are served in the application.

13. If all the respondents are not served, learned counsel for the applicants to take steps to serve the unserved respondents.

14. Stand over to 21st October 2024.

[GAURI GODSE, J.]