



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL REVISION APPLICATION NO. 53 OF 2026

(PRAVIN PANDHARINATH ALASPURE

VS

SMT. KUSUM WD/O AKARAM AMBHORE AND OTHERS)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
Judge's order
and Registrar's orders.*

Court's or

Mr. Sawan Alaspurkar, Advocate for applicant.

CORAM : ROHIT W. JOSHI, J.

DATED : APRIL 17, 2026

1) The present revision application is filed by the original defendant No.4 in R.C.S. No.211/2022 pending on the file of 3rd Joint Civil Judge Senior Division, Amravati. The suit was filed for partition and separate possession. The defendant No.1, who is one of the co-owners has expired on 26/11/2025. Evidence closing pursis was filed by the defendants on the same day i.e. on 26/11/2025.

2) The defendant No.4/revision petitioner has purchased the suit property during pendency of the civil suit from defendants No.2 and 3. The defendant No.4 filed an application for rejection of plaint on the ground that since the legal representatives of deceased respondent No.1 were not brought on record, the suit had abated in its entirety. This application is rejected by the learned trial Court placing reliance on Order 22 Rule 6 of the Code of Civil Procedure. The learned trial Court has held that defendant No.1 expired after

recording of evidence, as such, there is no need to bring his legal representatives on record in view of the said provision. Prima facie, it appears that the said provision will be attracted in case where a party dies after final hearing of the suit and before delivery of judgment.

- 3) In view of the aforesaid, issue notice to the respondents for final hearing at admission stage, returnable on **06/05/2026**.
- 4) The revision petitioner is directed to serve the respondents by speed post in addition to regular mode of service and to file affidavit of service before the returnable date.
- 5) Further proceedings in R.C.S.No.211/2022 pending on the file of 3rd Joint Civil Judge Senior Division, Amravati, are stayed till the returnable date.

(ROHIT W. JOSHI, J.)