

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION (ST) NO. 28236 OF 2014
IN

SECOND APPEAL NO. 370 OF 2004

Dashrat S/o Mahadu Darekar
(since deceased)thr L.Rs.
1-A) Vithal s/o Dashrat Darekar
& Ors. ... APPLICANT

versus

Zabubai W/o Lalchand Jain
(since deceased)Thr L.Rs.
1-A) Tarabai Lalchand Jain
& Ors ... RESPONDENTS

CORAM : VIJAY S.KULKARNI
DATE : 04/03/2015

The present CA is filed by the applicants for bringing the legal heirs of Applicant No. 1A and 1B. According to the applicant the original appellant no. 1 expired on 10 September 2014, leaving behind the appellant No. 1A, 1B and appellant No. 2. The appellant no. 2 is already on record. The appellant No. 1A and 1 B are the legal heirs of deceased/Original appellant No. 1 and the said are to be brought on record. The appellant no. 1 has expired on 10th September 2014. The copy of death certificate filed on record show that the appellant no.1 Dashrat Mahadu Darekar expired on 10 September 2014. The heirs certificate issued by the Sarpanch of Grampanchayat Shivgaon/Pathri, Tq. Vaijapur,

shows that there are 3 legal heirs to the deceased Dashrat Mahadu Darekar. The present CA is filed by the applicants on 14 October 2014. There is no contest. Thus, the contention of the applicants have not been controverted by the other side. All these go to show that the Civil Application filed by the applicant deserves to be allowed by passing following order.

The civil application stamp No. 28236/2014 is hereby allowed. The applicants are permitted to bring on record the legal heirs of deceased appellant no. 1 by carrying out the necessary amendment in the cause title of the memo of appeal. The amendment shall be carried out within 14 days without fail. Accordingly Civil Application stand disposed off.

REGISTRAR (JUDL)