

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO. 14572 OF 2016
IN FA/144/1997

TUKARAM SHIVRAM LUTE DIED LRS RUKHMINBAI AND ORS
VERSUS
THE COLLECTOR, NANDED AND ANOTHER.

...
Advocate for Applicants : Narwadkar Mrigesh D.
AGP for Respondents: S.N. Morampalle
...

CORAM : P.R. BORA, J.
DATE : 06-12-2016.

P.C. :

1. Issue notice to the respondents. Learned A.G.P. waives for respondent nos. 1 and 2. Learned counsel tendered across the bar the copy of the common judgment passed by this court in first appeal no. 67 of 1997 with connected appeals.

2. Shri Narwadkar, the learned counsel appearing for the applicants submitted that first appeal no. 144 of 1997 was decided by this court on 20.11.2013 in a group along with other appeals. Learned counsel submitted that, in the circumstances, legal heirs of the deceased Tukaram Shivram Lute i.e. original claimants could not be brought on record. Learned counsel submitted that, the present applicants are the only legal heirs of deceased Tukaram Shivram Lute and other names need to be taken on record as as to execute the decree passed in favour of deceased Tukaram Shivram Lute.

3. In view of the submissions made as above. The application is allowed. Legal heirs of deceased Tukaram Shivram Lute as are mentioned in the present application be taken on record. Necessary amendment be carried out. Delay caused in filing the application is condoned. Civil application stands disposed of.

(P.R. BORA)
JUDGE