

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (S) NO. 926/2015 IN S.A.NO. 283/2015

(Wasudeo Marotrao Chafle vs. Hariharanand Swamishwaroop Nandgiri)

AND

CIVIL APPLICATION (S) NO. 917 /2015 IN S.A.NO. 361/2015

(Suresh s/o Shankarrao Bokade vs. Hariharanand Swamishwaroop Nandgiri)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Mr. D.R. Bhoyar, Advocate for appellant/s in both the matters

CORAM: A.B.CHAUDHARI, J.

DATED : 11th March, 2016.

Heard learned counsel for the appellant/
applicant. Perused the Applications.

The lower Appellate Court decided the Appeal on 7th March 2015 and, thereafter, both these Appeals were preferred in this Court on 10.4.2015. In the meanwhile, the respondent-Hariharanand Swamishwaroop Nandgiri, expired on 21.5.2015 at Arvi and there is death certificate produced by the appellant at Annexure "A" of the applications, in support of the said statement.

In the Applications, there are categorical averments that respondent was leading an ascetic life and did not marry, nor has any issue or legal representatives as such. In that view of the matter, there is prayer to appoint a suitable person to represent the estate, which is the subject-matter of the present

Appeal of the deceased-respondent.

I have perused the Applications under Order XXII Rule 4-A of the Civil Procedure Code and I am satisfied that the respondent-sole expired, leaving behind no legal heirs or legal representatives as claimed by the appellant in these Applications filed on affidavit which I believe in the absence of any other party objecting to the same.

Learned counsel for the appellant, in fairness, states that it would be appropriate to appoint the Collector of the concerned District as the Administrator-General of the person representing the respondent in this Court. It is fairly stated that in case the appellant loses the Appeals, in accordance with the principles of *escheat*, the property of the deceased which is the subject-matter of the present Appeals, would become the property of the Government.

Accepting the above submissions, I make the following order :-

ORDER

- 1) Both the Civil Applications are disposed of.
- 2) The Collector, Wardha is appointed as an Administrator, who represent the estate of the respondent - Hariharanand Swamishwaroop Nandgiri @ Bramhachari Swami Yogiraj Hariharanand, R/o Harihar Sevasharam Po: Manuaganj, Kamarbhita, Dist. Jalpaigudi (West Bengal) and shall look after the present litigation, through the office of the Government

Pleader, High Court, Bench at Nagpur and he may delegate his powers to the subordinates, if he so desires.

Learned counsel for the appellant/s is directed to supply copies of these Appeals as well as Applications to the office of the Government Pleader and obtain acknowledgment thereof, including the copy of this order, so also the next date of hearing of Appeal for admission.

S.O. to 11th April 2016, for admission.

JUDGE

sahare