

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 9834 OF 2006
WITH
CIVIL APPLICATION NO. 14841 OF 2015
IN
WRIT PETITION NO. 1435 OF 2004**

Bhamabai Rangrao Salunke

..APPLICANT

VERSUS

Anita Rangrao Salunke and Others

..RESPONDENTS

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Mr. S.S. Halkude, Advocate for applicant.

Mr. S.P. Deshmukh, A.G.P. for respondent – State.

Mr. S.A. Kulkarni, Advocate h/f Mr. C.R. Deshpande, Advocate for Respondent Nos. 2 to 6 in WP.

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st JULY, 2017**

ORDER :

1. In Civil Application No. 9834 of 2006, the applicant prays for listing the writ petition for final hearing. However, the said applicant has passed away.

2. In Civil Application No. 14841 of 2015, legal heirs of Respondent No.7 pray for leave to be brought on record in place of the deceased Respondent No.7 – Bhamabai Rangrao Salunke who has passed away.

3. Mr. Halkude, learned Counsel for the applicant fairly states that Respondent No.7 – Bhamabai was issue-less and her husband Mr. Rangrao @ Rangnath Salunke passed away during her life time. The applicants in the second application are those persons who claim to be the legal heirs of deceased Bhamabai on the basis of a will deed by which they get a share in the property as well as they are entitled to participate in this proceeding as legal heirs of deceased – Bhamabai.

4. Learned Counsel for Respondent Nos. 2 to 6 opposed this application.

5. Civil Application No. 9834 of 2006 is abated. List the writ petition on the final hearing board.

6. Civil Application No. 14841 of 2015 is allowed and the petitioner shall bring the legal heirs of Respondent No.7 – Bhamabai, who are applicants, on record within a period of three weeks from today, failing which, this petition shall stand abated to the extent of deceased Respondent No.7 – Bhamabai. It is clarified that the issue of whether these applicants are legal heirs of deceased Respondent No. 7 – Bhamabai, is left open.

(RAVINDRA V GHUGE, J.)

SSD