

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

CIVIL APPLICATION NO. 5834 OF 2017
IN FA/1511/2012

GANPAT SAKHARAM DESHMUKH DEAD THR HIS LRS GHANSHYAM
GANPAT DESHMUKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Ms. D. A. Bide.
AGP for Respondent No.1,2 : Mr. S. R. Yadav-Lonikar.
...

CORAM : K.K. SONAWANE, J.

DATED : 15TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicants and Mr. S. R. Yadav, learned AGP for respondents No. 1 and 2.

2. This is an application for seeking permission to bring legal heirs of deceased appellant- Ganpat s/o. Sakharam Deshmukh on record. The applicants are legal heirs of deceased appellant Ganpat Sakharam Deshmukh. The applicants have produced the document of succession certificate issued by Grampanchayat Authority of village Khadaki Ghat, Taluka and District Beed and death certificate of deceased Ganpat Sakharam Deshmukh on record. Learned counsel for applicants prayed to allow applicants as legal heirs of deceased applicants to amend memo of appeal accordingly.

3. Perused relevant documents produced on record. It reveals that deceased appellant Ganpat Sakharam Deshmukh is passed away on 12th May, 2015. The applicants are only legal heirs of deceased appellant. Therefore, there is no impediment to allow application and permitted applicants for pursuing appeal filed on behalf of their father. In these circumstances, application stands allowed in terms of prayer clause 'B'. The order of abatement of proceedings against deceased appellant Ganpat Sakharam Deshmukh, if any, stands set aside and quashed. The delay for the same is condoned. The

applicants are permitted to bring legal representatives of deceased appellant on record by requisite amendment within two weeks from today. The civil application stands disposed of accordingly in above terms.

[K. K. SONAWANE]
JUDGE

rrd.