

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

**CIVIL APPLICATION NO. 10759 OF 2017 IN AO/120/2014**

BHARAT ARJUNRAO ALKUTE  
VERSUS  
MIRZA SARFRAJ BAIG MIRZA AHEMAD BAIG AND OTHERS

...  
Advocate for Applicant : Mr. V. V. Bhavthankar.  
Advocate for Respondent No.12 : Mr. S. J. Salunke.  
...

**CORAM : K.K. SONAWANE, J.**

**DATED : 09<sup>TH</sup> OCTOBER, 2017.**

**Order :-**

Heard learned counsel for applicant. Perused the report of Registrar (Judicial) of this Court.

2. It appears that the notices were issued to the proposed legal heirs of the deceased respondent No.11 i.e. 11(A) to 11(C), but they refused to accept the same and not allowed the concerned bailiff to affix the copy of notice on the door of the house. The Registrar (Judicial) of this Court submitted the report that the same be treated as effective service of notice. In view of attending circumstances, the inference can be drawn that the notice was served to the proposed legal heirs of respondent No.11. Therefore, there is no impediment to proceed further to allow the applicant-appellant to bring proposed legal heirs of deceased respondent No.11 on record. In sequel, civil application stands allowed in terms of prayer clauses 'A' and 'B'. The applicant is hereby permitted to bring legal heirs of deceased respondent No.11 i.e. 11(A) to 11(C) on record on setting aside the abatement of the proceedings against respondent No.11, if any. The applicant to carry out requisite amendment for bringing legal heirs of deceased respondent No.11 on record within two weeks. The civil application is allowed and disposed of in above terms accordingly. After amendment, list the matter for hearing on 15<sup>th</sup> November, 2017.

**[ K. K. SONAWANE ]  
JUDGE**