

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

904 CA/13005/2017 IN FA/502/2016

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
JAYWANTRAO GOVINDRAO GARUD AND OTHERS

...
AGP for applicant: Mr. S.R. Yadav Lonikar
Advocate for Respondents Ori. claimants : Ms. G.R. Jagtap,
h/f Mr. C.K. Shinde

...
WITH FA/499 OF 2016 WITH FA/500/2016
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...

CORAM : K.K. SONAWANE, J.

DATED : 28th NOVEMBER, 2017.

Order :-

1. Heard learned AGP for applicants-appellants and Ms. Jagtap holding for Mr. C.K. Shinde, learned counsel for respondents. Death certificate and Succession Certificate of deceased respondent- Tukaram issued by the Civic Authority are filed on record. Perused application and documents on record.
2. Ms. Jagtap holding for Mr. C.K. Shinde learned counsel submits that she has instructions to appear on behalf of proposed legal heirs of deceased respondent – Tukaram Waman Kalbhor in First Appeal No. 502 of 2016 and seeks time to file Vakalatnama within two weeks from today.
3. Present application is filed on behalf of appellant -State seeking permission to bring the L.Rs. of deceased respondent -Tukaram on record.

4. In view of nature of subject-matter and reasons mentioned in the application, I do not find any impediment to allow the appellant- State to bring on record the L.Rs. of deceased respondent- Tukaram. Accordingly, the civil application is allowed in terms of prayer clauses "B to D". The appellant is permitted to bring L.Rs. of deceased respondent- Tukaram on record by requisite amendment within two weeks from today. The delay caused in filing present application for bringing L.Rs. of deceased on record is hereby condoned. The abatement of the proceedings following death of deceased respondent - Tukaram is hereby quashed and set aside.

5. List the first appeals for further process after requisite amendment in due course.

6. The Civil Application No. 13005 of 2017 is allowed in above terms and stands disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK.