

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

**CIVIL APPLICATION NO. 592 OF 2018
IN WP/5577/2003**

**THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
BHIKAN BAPURAO SHINDE AND ANOTHER**

Mr.A.S.Shinde, AGP for the applicants/State
Mr.V.D.Salunke, Advocate for the respondents

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 25.07.2018

P.C. :-

. This is an application filed by the petitioner/State for bringing legal representatives of respondent No.1 Bhikan Bapurao Shinde on record. It is submitted in the application that during the pendency of the petition respondent No.1 Bhikan Bapurao Shinde expired leaving behind him legal representatives namely Narmada Shinde, Anjali Pathrikar, Arun Shinde and Rekha Patil.

2. By order dated 15.01.2018 the notice was issued to the proposed legal representatives making it returnable on 09.02.2018. On earlier date the learned counsel holding for Mr. V.D.Salunke, Advocate made the statement before this Court that instructions are

received to represent the legal representatives and the counsel would file power in the office. Accordingly order dated 11.07.2018 was passed by this Court.

3. Today learned counsel appearing for the legal representatives of respondent No.1 i.e. respondent No.1-A Narmada Bhikan Shinde submits that except Narmada Bhikan Shinde other representatives would not be entitled for claiming any service benefits of deceased respondent No.1 Bhikan Bapurao Shinde. As such respondent No.1-A Narmada Bhikanrao Shinde be permitted to represent the cause of respondent No.1 being legal representative of deceased respondent No.1 Bhikan Bapurao Shinde. Learned counsel thus prayed for permission to file power on behalf of respondent No.-1-A Narmada Bhikanrao Shinde.

4. In view of the submissions, the learned counsel is permitted to file power on behalf of respondent No.1-A Narmada Bhikanrao Shinde the only legal representative of respondent No.1 Bhikan Bapurao Shinde at the will and risk of respondent No.1-A Narmada Bhikanrao Shinde. The petitioner /State is permitted to delete the names of other representatives from the array of the proposed legal representatives.

5. In view of the submissions made by the learned counsel necessary amendment be carried out by next Friday i.e. 27.07.2018.

5. Heard the learned AGP and learned counsel appearing for the legal representatives respondent No.1-A Narmada Bhikanrao Shinde.

6. The learned AGP submits that delay caused in filing application for bringing legal representatives on record was due to time lapse in receiving the information. It is submitted that on collection of necessary documents such as death certificate issued by the Sub-Registrar, Municipal Corporation, Aurangabad and on going through the pension papers the information was collected. The learned AGP submitted that the delay caused in filing the application is bonafide reason and the same is unintentional.

7. Though the learned counsel appearing for the respondent No.1-A opposes the application for the reasons stated in the application and in view of the submissions of the learned AGP, the application is allowed. Delay condoned.

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[S . M . GAVHANE , J .]

[PRASANNA B. VARALE , J .]

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