

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

CIVIL APPLICATION NO. 8438 OF 2018 IN FA/861/2017

LAXMIBAI SITARAM JADHAV (DIED) THR LRS BALASAHEB
SITARAM JADHAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr.Kuldeep S. Patil h/f.
Mr.Dattatray D. Sarawade Patil
AGP for Respondent No.1 : Mr. S.P.Deshmukh.
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**CORAM : A.M. DHAVALÉ, J.
DATED : 30th JULY, 2018.**

Order :-

1. The sole respondent-original claimant has expired on 13-04-2016. The legal heirs of the deceased respondent applied for bringing them on record.
2. Obviously, the State must not have been aware about the death of respondent. Advocate for respondent had not filed report about the death of deceased under Order XXII, Rule 10A of the Code of Civil Procedure, 1908.
3. Considering the fact, the delay is condoned, abatement is set aside. The application for bringing legal representatives of deceased sole respondent-claimant on record is allowed. The appellant-State to carry out necessary amendment in title clause of the appeal memo and include the name of legal representatives of deceased respondent and supply the copies of amended appeal memo within two weeks from today.
4. The civil application stands disposed of accordingly.

**[A.M. DHAVALÉ]
JUDGE**