

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

910 CIVIL APPLICATION NO. 10814 OF 2018 IN SA/403/2012

**RADHABAI GOVINDRAO KAWADE DECEASED THROUGH L.RS.
VERSUS
DHONDIBA VENKATESH GHORPADE (DIED) AND ORS**

...
Advocate for Applicants : Mr. A.N. Nagargoje
Advocate for Respondent No.2 : Mr. R.B. Temak
Advocate for Respondent No.3 : Mr. V.S. Undre.

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CORAM : V.L. ACHLIYA, J.

DATED : 28th AUGUST, 2018

PER COURT:-

1. Issue notice to respondents. Learned Advocates appearing for the respondent nos. 2 and 3 accept notice for respondent nos. 2 and 3. Respondent no.1 is shown as dead.
2. The applicants have moved this application to bring them on record as the legal heirs of the deceased-appellant.
3. Heard the learned counsel for the applicants and the respondent nos. 2 and 3.
4. Learned counsel for the respondent Nos. 2 and 3 opposed the application with the contention that the application is not supported by legal heirship certificate.
5. On due consideration of the submissions advanced, I am of the view that the application deserves to be allowed. The application is supported by the affidavit. If the respondents have doubt about the status of the applicants as the legal heirs of the

appellant, then such objection can be raised even during the course of hearing of the appeal.

6. In the facts and circumstances of the case, the application is allowed in terms of the prayer clauses 'A' and 'B'.

7. Necessary amendment/substitution be carried out within two weeks from the date of this order.

8. The Civil Application is disposed of in above terms.

(V.L. ACHLIYA)
JUDGE

SPR