

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAS) NO.859 OF 2014
IN
SECOND APPEAL STAMP NO.4646 OF 2014

(Ravishankar Gaurishankar Kalsarpe Vs. Smt. Ushabai wd/o Nainsingh Ragade and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri V.R. Borkar, Advocate for Appellant.

CORAM: ROHIT B. DEO, J.
DATE: 10th DECEMBER, 2018.

Civil Application (CAO) No.977/2018:

None appears on behalf of the respondents.

2] For the reasons stated in the application, the delay in bringing on record the legal heirs of the sole appellant is condoned.

Civil Application (CAO) No.978/2018:

None appears on behalf of the respondents.

2] The applicant Smt. Munnabai Ragde claims to be the class-II heir of deceased Ravishankar being his sister.

3] Since the respondents themselves have impleaded the applicant Smt. Munnabai in the execution proceedings, as legal heir, there is no impleadment in allowing this application.

4] The applicant Smt. Munnabai be brought on record as legal heir of late Ravishankar.

5] The learned counsel states that the heirs of the other sister Kayanbai are not brought on record since Kayanbai expired 11 years ago and her son or daughter would fall in entry IV of class-II of the schedule to the Hindu Succession Act, 1956. The learned counsel states that in view of the provisions of section 9, those in entry I to III of class-II shall have preference, with the result that it is only the applicant Smt. Munnabai who is a class-II legal heir in entry II who is required to be brought on record. This issue is kept open.

JUDGE