

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

CIVIL APPLICATION NO.2963 OF 2019
IN
WRIT PETITION NO. 9035 OF 2016

GANGADHAR ANNA SHELKE
VERSUS
DADARAO KONDIBA SURWASE AND ANOTHER

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Advocate for Petitioner : Mr. Choudhary S.S.

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CORAM : V.K. JADHAV, J.
Dated : December 11, 2019

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PER COURT :-

1. Learned counsel for the applicant submits that non-applicant Dadarao Kondiba Surwase died on 4.10.2016. After his death, applicant had tried his best to obtain the death certificate, however, he could not collect it. On or about 23.11.2016 the applicant got succeeded in obtaining the death certificate of deceased Dadarao. Thereafter, applicant had approached the Sarpanch of Grampanchayat Borda, Tq. Kallam, District Osmanabad to collect the information about the legal representatives of deceased Dadarao Surwase and also requested the Sarpanch to issue certificate to that effect, however, the Sarpanch of the said village had not issued

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the certificate. Thereafter, on 18.7.2018 the applicant has made an application under the provisions of the Right to Information Act, 2005, however, even then, he could not get the said information. Copy of the said application filed under the provisions of the Right to Information Act, 2005 is marked at Exh.A-2. The applicant ultimately got succeeded in obtaining the information about legal heirs of deceased Dadarao by making an inquiry into the village. Learned counsel submits that thus delay has been occurred in filing the application for bringing the legal heirs of deceased Dadarao on record.

2. Even though proposed legal representatives of deceased Dadarao are duly served, none appears for them.

3. In view of the above submissions and considering the documents Exh.A-1 and A-2 annexed to the application and for the reasons stated in the application, I am inclined to allow this civil application. Hence, following order.

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ORDER

1. Civil application is hereby allowed in terms of prayer clause 'B'.
2. Civil application is accordingly disposed off.

(V.K. JADHAV, J.)

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