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

CIVIL APPLICATION NO.6520 OF 2019 IN
CONTEMPT PETITION NO.254 OF 2019 IN
WRIT PETITION NO.15068 OF 2017

Shankarrao s/o Malharrao Deshmukh,
Died through L.Rs.
Indubai wd/o Shankarrao Deshmukh
and others ... APPLICANTS

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri S.B. Ghatol Patil, advocate for applicants
Mrs. R.P. Gour, A.G.P. for State
.....

CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.

DATED : 18th JUNE, 2019.

ORAL ORDER :

1. By way of present application, the applicants, who are the legal heirs of the original petitioner Shri Shankarrao Malharrao Dehsmukh, pray for bringing them on record as legal heirs of original contempt petitioner, by condoning delay of two days caused in filing the application.

2. It is stated that, post filing the contempt petition, the original contempt petitioner Shri Shankarrao Malharrao

Dehsmukh expired on 2.5.2019 due to old age and serious ailments. The legal heirs/ legal representatives of Shri Shankarrao Malharrao Dehsmukh include widow Indubai, married daughter Manishabai, son Mangesh and son Satish. It is stated that, it took some time for the applicants to collect the necessary documents and approach the counsel. As such, the delay of two days caused in filing the application is for bonafide reasons and unintentional one. The learned counsel also invited our attention to the judgment of this Court reported in **1991 (3) Bom.C.R. 719**, in the matter of **Venubai Savleram Songaonkar Vs. Gajanan Savleram alias Sawalaram Songaonkar & ors.** to submit that the legal representatives of the deceased petitioner are entitled to prosecute the contempt petition. In view of the submission of counsel and for the reasons stated in the application, the delay caused in filing the application is condoned and the application is allowed in terms of prayer clause (B). Contempt Petition No.254/2019 be accordingly amended within one week from today.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-