

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

969 CIVIL APPLICATION NO.10223 OF 2019
IN SA/207/2019

SHAILAJA DNYANDESHWAR KULKARNI AND OTHERS
VERSUS
PANDIT KESHAV JOSHI AND OTHERS

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Advocate for Applicants: Mr.S.S.Dargad,
Advocate holding for Mr.S.G.Chapalgaonkar
Advocate for Respondent no.1:Mr.Shaikh
Mujtaba Gulam Mustafa

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CORAM : V.L.ACHLIYA, J.

DATE : 27.09.2019

PER COURT:

1] This Application is filed to bring legal heirs of deceased respondent No.3-C, viz., Mangal Sopan Patil on record for the reasons set out in detail in the Application.

2] Learned counsel for the applicants submits that pursuant to the Bailiff report it is revealed that respondent no.3-C has died about 2-3 years back. On enquiry made, it was revealed that respondent no.3-C-A i.e. Pramod Sopan Patil is the sole legal heir of deceased respondent no.3-C. Therefore, the present Application is filed seeking permission to bring the legal heir of

respondent no.3-C on record by setting aside the order of abatement with condonation of delay.

3] Considering the submissions advanced in the light of facts stated in the application and Appeal is yet to be admitted, I am of the view that the Application deserves to be allowed. Accordingly, the application is allowed in terms of prayer Clauses 'B', 'C' and 'D'.

4] Necessary substitution/amendment be carried out within two weeks from today.

5] List the Appeal for admission on 05.11.2019 high on board.

6] Interim relief, if any operating in Appeal, to remain in force till next date.

[V.L.ACHLIYA]
JUDGE

DDC