

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

**904 CIVIL APPLICATION NO.11386 OF 2019
IN FAST/732/2017**

PARUBAI VISHWANATH RODGE (DIED) THR. LRS. RAMLING
AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

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Advocate for Applicants : Shri R.P.Adgaonkar h/f.
Shri Mahesh S. Patil
AGP for Respondent – State : Shri Y.G.Gujrathi
Advocate for Respondent Nos.2 & 3 : Shri Shyam C. Arora

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CORAM : P.R.BORA, J.
DATE: 20th September, 2019

PER COURT:-

- 1 Heard the learned counsel appearing for the applicants.
- 2 Present application is filed for bringing on record the legal heirs of the deceased respondent in First Appeal (Stamp) No.732 of 2017. It is contended that the applicants are the only legal heirs of deceased namely Parubai Vishwanath Rodge.
- 3 The contents of the application are verified on affidavit by one of the applicants namely Deelip Vishwanath Rodge. Death certificate of Parubai Vishwanath Rodge is filed on record. The applicants have also placed on record the certificate issued by Gram Panchayat, Kond, Tq. & Dist.Osmanabad, certifying that the present applicants are the legal heirs of deceased Parubai.

4 Considering the facts as aforesaid, I do not see any difficulty in allowing the present application. Accordingly, the application is allowed. The names of the present applicants be taken on record being the legal heirs of deceased respondent in First Appeal (Stamp) No.732 of 2017 and in the pending applications arising out of the same appeal. Amendment be carried out within two weeks.

5 The applicants have also prayed for modification in the order dated 09.01.2019 passed by this Court in Civil Application No.482 of 2019. Vide the said order, this Court had permitted deceased Parubai to withdraw 50% of the deposited amount on submitting undertaking and 25% of the deposited amount on submitting solvent surety/security to the satisfaction of the Registrar of this Court. After passing of the said order, within a month, Parubai expired and the order passed in her favour could not be given effect to. Now, the legal heirs of Parubai are permitted to be brought on record. In the circumstances, it is further directed that the amount permitted to be withdrawn by deceased Parubai is now permitted to be withdrawn by the legal heirs of deceased Parubai, as are taken on record, on the same terms and conditions.

(P.R.BORA)
JUDGE

SPT