

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

958 CIVIL APPLICATION NO. 2121 OF 2020
IN
FA/2061/2019
VITTHAL UDDHAV PARIT (SARPALE) (DIED) THROUGH LEGAL HEIRS
SMT RUKHMIN W/O VITTHAL PARIT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for applicants : Mr. Kailas B. Jadhav
AGP for respondents No.1 and 2 : Mr. S. N. Moranpalle
...

CIVIL APPLICATION NO. 2126 OF 2020
IN
FA/2063/2019
BAJIRAO SADHU SALUNKE (DIED) THROUGH LEGAL HEIRS
SMT SHAKUNTALA WD/O BAJIRAO SALUNKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for applicants : Mr. Kailas B. Jadhav
AGP for respondents No.1 and 2 : Mr. S. N. Moranpalle
...

FIRST APPEAL NO. 5041 OF 2017
WITH CA/10927/2019 IN FA/5041/2017
WITH FA/5039/2017

THE STATE OF MAHARASHTRA AND ORS
VERSUS
NANA BHAU CHOUDHARI

...
AGP for Appellants : Mr. S.N. Moranpalle Govt. Pleader
Advocate for Respondents-Claimants : Mr. K.B. Jadhav
...

CORAM : K.K. SONAWANE, J.

DATED : 18th FEBRUARY, 2020.

ORDER :-

1. Learned AGP submits that proceedings of first appeal Nos. 2061 and 2063 of 2019, sole claimants are no more and he seeks time to take steps against deceased respondents. He has also

brought to the notice of this Court that L.Rs of deceased respondents in Civil Application No. 2121 and 2126 of 2020 are seeking permission to substitute them as party respondents in aforesaid first appeals. But, the applicants did not produce authentic document of succession certificate on record.

2. In Civil Application No. 2121 of 2020, the applicants have produced the succession certificate issued by Deputy Sarpanch of the Village Palsap. This document is not authentic and cannot be taken into consideration for appreciation. Moreover, Civil Application No. 2126 of 2019, the applicants have produced affidavit of one Satish Bajirao Salunke, who is legal heir of deceased Bajirao Salunke showing that this is for mutation in the 7/12 extract. This affidavit also cannot be taken into consideration being authentic document for conclusion that the applicants are legal heirs of deceased Bajirao. In such circumstances, Civil Applications No. 2121 and 2126 of 2020 deserve to be dismissed.

3. Accordingly, Civil Applications No. 2121 and 2126 of 2020 stand dismissed.

4. Learned AGP is seeks time to take steps against deceased respondents. Time is granted till 27-03-2020.

5. List the matters on 27-03-2020.

[K. K. SONAWANE]
JUDGE