

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

**934 CIVIL APPLICATION NO.791 OF 2020
IN RC/84/2020**

PREMNATH RAGHUNATH GAIKWAD (DIED) THR LRS HIRKANABAI
AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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**937 CIVIL APPLICATION NO.799 OF 2020
IN RC/85/2020**

MARUTI GENA SURYAWANSHI (DIED) LRS SONABAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr.M.R.Malpani h/f. Mr.Ajeet B. Kale
AGP for Respondents : Mr.Y.G.Gujrathi and
Mr.S.P.Deshmukh in respective matters.

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**CORAM : K. K. SONAWANE, J.
Date: January 23, 2020**

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PER COURT :-

1. Heard learned counsel for the applicants and learned AGP for the respondents. The applicants preferred both the applications seeking following identical reliefs :-

"A] To grant rule and allow this Civil Application.

B] To allow the applicant to amend the title clause of the petition by bringing LR's. of respondent No.4 on record.

C] To grant any other just and equitable relief to which the applicant found entitled be granted."

2. It is to be noted that respondent-State of Maharashtra has preferred First Appeal (Stamp) No.33637 of 2018 against the

respondent-claimant Premnath Raghunath Gaikwad and First Appeal (Stamp) No.33633 of 2018 against the respondent-claimant Maruti Gena Suryawanshi (Kilje). But, pending the aforesaid appeals, the respondents-claimants in the respective appeals passed away. There were no endeavours to bring their legal heirs on record, which resulted into abatement of the said proceedings after efflux of stipulated period. Present applicants did not file any application seeking permission to allow them to substitute themselves as party respondents in place of sole respondent-original claimant in respected matters, being their legal heirs. In contrast, the applicants ventured to seek relief of amendment in title clause of the proceedings for bringing legal heirs of respondent No.4 on record in respective matters without following due procedure under law. In such circumstances, this prayer cannot be accepted as the applicants are legal heirs of the sole respondent in respective matters and there is no respondent No.4 in the proceedings and therefore, no question arises to bring legal heirs of respondent No.4 on record as prayed.

3. In view of the above, it appears that both the applications are filed in a very casual manner and therefore, no relief can be granted in favour of the applicants. Hence, applications being inapt and prematured stand dismissed.

(K.K.SONAWANE)
JUDGE

SPT