

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

71 CIVIL APPLICATION NO. 1164 OF 2020
IN SA/247/2007

BHALCHANDRA SHAMRAO DHANWADIKAR DECEASED
THROUGH L.R. MAHENDRA BHALCHANDRA
DHANWADIKAR @ RITESH KAILAS WAGH
VERSUS
ANANDA BABURAO PATIL DECEASED THROUGH L.R.
KASTURABAI ANANDRAO PATIL AND OTHERS

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Advocate for Applicants : Mr. U S Malte
Advocate for Respondent Nos. 2 to 4 : Mr. Girish Rane
AGP for Respondent-State : Mr. S. P. Deshmukh

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CORAM : V. K. JADHAV, J.
DATED : 20TH OCTOBER, 2020

PER COURT :-

1. Leave to amend the prayer clause.
2. Heard both sides.
3. It appears that during pendency of this Second Appeal, the original appellant died. There is delay of 515 days in filing the application for bringing the legal representative of deceased sole appellant on record. Learned counsel for the respondents has no serious objection for allowing this application. It appears that the deceased appellant had

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adopted Ritesh kailas Wagh @ Mahendra Bhalchandra Dhanwadikar by registered adoption deed dated 22.07.2015. The said Ritesh is the grandson of Vajir s/o Shamrao Dhanwadikar who is the real brother of deceased appellant Bhalchandra. The said registered adoption deed is annexed to the application. Learned counsel submits that though during pendency of the appeal the sole appellant has expired, however, the applicant was residing in Bhopal, State of Madhya Pradesh, and in view of his critical financial condition, he could not contact the counsel and therefore the delay has caused in filing the application for bringing him on record as the legal heir of deceased appellant.

4. In view of the above submissions and on perusal of the annexures and since the application is not seriously opposed by the other side, the application is allowed in terms of prayer clauses “B”, “B-1” and “C” and disposed off accordingly.

(V. K. JADHAV, J.)

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