

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

CIVIL APPLICATION NO.5641 OF 2021
IN FA/3569/2019
WITH
CIVIL APPLICATION NO.11716 OF 2019
IN FA/3569/2019

LAXMAN ABA GAIKWAD (DIED) THR LRS GANGADHAR AND ORS
VERSUS
THE ADMINISTRATOR, CITY AND INDUSTRIAL DEV. CO. OF
MAHARASHTRA (CIDCO), AURANGABAD AND OTHERS

...
Advocate for the Applicants in CA/5641/2021 : Shri Kale Gopal D.
Advocate for the Applicants in CA/11716/2019 : R.B. Singare
AGP for the respondents/ State : Shri S.R. Yadav Lonikar
Advocate for the Respondent/ CIDCO : Shri A.S. Bajaj
Advocate for Respondent 3 in CA/5641 and 7 in 11716/19 : Shri N.S.
Chaudhari
Advocate for the Respondents 4/1,4 /2/i, 4/2/ii/a To 4/2/4 : Shri Shaikh
Mujtaba Gulam
...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 08th July, 2021

Per Court :-

(a) Civil Application No.5641/2021 :-

1. This Civil Application is filed within limitation for seeking leave to bring the legal heirs of the deceased applicant No.3(ii) Atmaram Bhausaheb Gaikwad, on record.
2. The learned advocate for the applicants submits that though

the deceased Atamram had two wives, namely, Sindhubai and Ranjana, who are rendered widows upon his death, Sindhubai is the first wife. All family members of the deceased Atmaram have no objection in bringing on record Sindhubai as well as Ranjana along with all the biological children of Atmaram born out of his relations with these two ladies.

3. Shri Bajaj, learned advocate for respondent No.1/ CIDCO, rightly submits that insofar as the property rights and the rights of inheritance of immovable property are concerned, Ranjana will have no legal existence. She would only have the status of a “keep” or “the second woman in the life of the deceased Atmaram”. However, the children born out of her relations with Atmaram would have rights which would flow from the share of Atmaram.

4. In view of the above, this Civil Application No.5641/2021 is partly allowed. The legal heirs of the deceased Atmaram set out in paragraph 3 of the application, barring Ranjana, shall be brought on record. Addition to be carried out within two weeks.

(b) Civil Application No.11716/2019 :-

5. This Civil Application has been filed by Prayagbai Devrao Gaikwad, seeking intervention.

6. Non-applicants in this application shall enter an affidavit in reply on or before 29.07.2021.

7. Shri Shaikh, learned advocate, submits that respondent No.3(B)(1) Kakasaheb Piraji Thombare has passed away. A purshis containing the names of his legal heirs has been tendered to Shri Bajaj.

8. Shri Bajaj submits that he would take steps to bring the legal heirs of the deceased Kakasaheb on record, within two weeks.

9. Stand over to 04.08.2021

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)