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

**909 CIVIL APPLICATION NO.9732 OF 2021  
IN WP/8872/2018 WITH WP/8872/2018**

**MANOHAR PANDURANG WAKALE, DIED, THROUGH  
LRS. CHHAYABAI MANOHAR WAKALE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

....

Ms Sakshi Kale, Advocate h/f Mr A. B. Kale , Advocate for  
applicants;

Mr S. B. Yawalkar, A.G.P. for respondent Nos.1 to 3;

Mr A. M. Gaikwad, Advocate for respondent No.4

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

**DATE : 6th October, 2021**

**PER COURT:**

1. A common civil application has been filed for bringing the legal heirs of deceased petitioner Nos.1, 4, 5, 7, 8, 9, 10, 12, 14 and 16. In some of the cases before us, the delay caused is ranging from 20 years to 30 years in bringing the legal heirs on record.

2. As such, the learned Advocate for the applicants fairly submits that she would prefer individual delay applications pertaining to the deceased petitioner Nos.4, 5, 7, 8, 9, 10, 12, 14 and 16.

(2)

3. We are entertaining this civil application to the extent of deceased petitioner No.1, namely, Manohar Pandurang Wakale. The delay in bringing the legal heirs on record is 93 days as petitioner Manohar passed away on 05/03/2021.

4. The learned A.G.P. and the learned Advocate representing respondent No.4 oppose this common civil application and submit that this application may be entertained only to the extent of petitioner No.1.

5. The learned A.G.P. submits that the Writ Petition has been filed on 08/07/2018 and many of the petitioners were already dead 20 years to 30 years ago, when the petition was filed. This would, therefore, mean that dead persons had filed this petition.

6. In view of the above, this application is entertained to the extent of the legal heirs of petitioner Manohar Wakale. The same is allowed. The delay of 93 days is condoned. The legal heirs shall be brought on record on or before 28/10/2021.

(3)

7. We make it clear that we have not made any observations as regards the applications, which would now be filed. In the event the said applications are filed, they would be considered on their merits. All contentions of the litigating parties are kept open.

**(S. G. MEHARE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk