

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

994 CIVIL APPLICATION NO.4553 OF 2017
IN SA/70/2003

ANANDA BHAVDU KALAM LRS DAMU AND OTHERS
VERSUS
PANDU BHAVDU KALAM LRS JIJABAI AND OTHERS

...
Advocate for Applicants : Mr. P. P. Patni h/f Mr. P. F. Patni

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CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 11, 2022

PER COURT : -

CIVIL APPLICATION NO.4553 OF 2017 :

1. This application is filed for bringing on record legal heirs of applicants nos. 1 – Ananda and 2 - Sandu.
2. There is a delay of 11 days in filing this application.
3. The Division Bench of this Court in **Keshao Kawadu Maral and another Versus State of Maharashtra**, reported in 2005 (supp.) B.C.R. 226, condoned the delay of six years in filing the application for bringing legal heirs on record relying upon judgment of Hon'ble Supreme Court in the case of **Sardar Amarjit Singh Kalra (Died) by LRs and others Versus Pramod Gupta (Smt.) Dead) by Lrs. And others**, reported in (2003) 3 SCC 272.

4. Relying upon the above judgments and for the reasons stated in the application, same is allowed in terms of prayer clause “B” and “C”. Abatement stands set aside.

5. Civil Application stands disposed off.

6. Amendment to be carried out within a period of two (02) weeks from today.

SECOND APPEAL NO. 70 OF 2003 :

1. Advocate for the appellant informs that the second appeal has been admitted. During pendency of the appeal, advocate on record for respondent has died. Hence, issue notice to the respondents, returnable on **09th December, 2022**.

[RAJESH S. PATIL]
JUDGE