

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

CIVIL APPLICATION NO.10475 OF 2018
IN FA/2779/2017

MOHAN BHAGUJI GAJBHIV AND ANR
VERSUS
THE EXE. ENGINEER, LOWER DHUDHNA PROJECT SELU NOW
AURANGABAD IRRIGATION DIV., AURANGABAD AND ANR

...

Advocate for Applicants : Mr. D.R. Markad
h/f. Mr. Kakade N.K.
Advocate for Respondent No. 1 : Mr. B.R. Surwase
AGP for Respondent No. 2 : Mr. M.M. Nerlikar

**CORAM : RAJESH S. PATIL, J.
DATED : 07 OCTOBER, 2022**

PER COURT:-

1. The applicant in this Civil Application No. 10475/2018 is directed to add the prayer of condoning the delay and a proper prayer for bringing the legal heirs on record respondent No. 2 – Bhagoji on record.
2. There is delay in filing this application. Learned counsel for respondent opposes the application.
3. The Division Bench of this Hon'ble High 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 of

bringing legal heirs on record, relying on Supreme Court judgment 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, civil application No. 10475/2018 is allowed in terms of prayer clause 'B', subject to payment of costs of Rs. 1000/- to be paid by applicants with the High Court Legal Services, Sub-committee, Aurangabad. The Civil Application stands disposed off. Abetment stands set aside.

5. Amendment to be carried out within a period of six (06) weeks from today.

[RAJESH S. PATIL, J.]