

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

914 CIVIL APPLICATION NO.16739 OF 2015
IN CA/1718/2013 WITH CA/15668/2022 IN SA/342/1998 WITH
CA/1718/2013 IN SA/342/1998

UDHAV VENKATRAO DESHMUKH DIED LRS LIMBUBAI AND
ANOTHER
VERSUS
RAOSAHEB SHRIPATRAO DESHMUKH AND OTHERS

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Advocate for Applicants : Ms Yashashree S. Mulay h/f
Mr. Milind M. Patil (Beedkar)

Advocate for Respondent no. 1 : Mr. H. B. Nandagavale h/f
Mr. V. G. Sakolkar

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CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 22, 2022

PER COURT : -

CIVIL APPLICATION NO.16739 OF 2015 :

1. This civil application is filed for bringing on record legal heirs of deceased respondent no. 2/7, namely, Sindhu @ Vrushali w/o Shahajirao Ghorpade.

2. Issue notice to the proposed legal heirs of respondent no. 2/7 – Sindhu, returnable on **20th December, 2022.**

3. In addition to the court notice, the counsel for the applicants is at liberty to serve proposed legal heirs of respondent no.

2/7 with private notice and file affidavit of service to that effect on or before the returnable date.

CIVIL APPLICATION NO. 1718 OF 2013 :

1. This civil application is filed for bringing on record legal heirs of appellant no. 1 – Uddhav Venkatrao Deshmukh.

2. There is delay of 17 days in filing this application. The counsel for respondent opposes the 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. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of four (04) weeks from today.

CIVIL APPLICATION NO. 15668 OF 2022 :

1. This application is filed for bringing on record legal heirs of respondent no. 1 – Raosaheb Shripatrao Deshmukh.

2. Issue notice to the proposed legal heirs of deceased respondent no. 1, returnable on **20th December, 2022**.

3. In addition to the court notice, the counsel for the applicants is at liberty to serve proposed legal heirs of respondent no. 3 with private notice and file affidavit of service to that effect on or before the returnable date.

**[RAJESH S. PATIL]
JUDGE**