

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

924 CIVIL APPLICATION NO.2872 OF 2020
IN SA/79/1998 WITH CA/10042/2016 IN SA/79/1998

ASHRUBA SHAMRAO GHARAT DIED LRS. INDUBAI ASHRUBA GHARAT
AND ORS
VERSUS
RAJNIKANT PRALHAD JADHAV AND ORS

...
Advocate for Applicants: Mr.C.C. Deshpande h/f Mr.C.R.Deshpande
Advocate for respondent no. 1 and 2 : Mr. P. P. Patni h/f
Mr. Dhananjay Deshpande
...

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

PER COURT : -

CIVIL APPLICATION NO.2872 OF 2020 :

1. This Civil Application is filed for bringing on record legal heirs of appellant no. 1 – Ashruba Shamrao Gharat with a further prayer to condone the delay caused in filing the instant application.
2. The counsel for respondent nos. 1 and 2 opposes the application vehemently.
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”, “C”, “D” and “E”.

5. The Civil Application stands disposed off.

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

CIVIL APPLICATION NO.2873 OF 2020 :

1. Not on board. Taken on board.

2. By this application, the applicants pray for fixing the date for final hearing of the Second Appeal No. 79 of 1998.

3. For the reasons stated in the civil application, same is allowed in terms of prayer clause ‘B’ of the application.

4. Civil Application is accordingly disposed off.

5. Second Appeal No. 79 of 1998 to come up on board of final hearing on **16th December, 2022.**

CIVIL APPLICATION NO.10042 OF 2016 :

1. This application is filed for bringing on record legal heirs of applicant no. 4 – Punjab Ashruba Gharat.

2. There is delay of 221 days in filing this application. The counsel for respondent nos. 1 and 2 opposes the application.

sgp

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 clauses "B", "C", "D" and 'E'. Abatement stands set aside.

5. The Civil Application stands disposed off.

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

[RAJESH S. PATIL]
JUDGE