

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 **CIVIL APPLICATION NO.5317 OF 2013**
IN SAST/5006/2013

DURGABAI (DURGAVATI) VISHWAMBAR SHARMA AND
ANOTHER
VERSUS
SITABAI DASHRATH NIKAM AND OTHERS

...
Advocate for Applicants : Ms.Chaitali Chaudhari – Kutti h/f Mr. P.N.
Kutti

...
CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 18, 2022

PER COURT :

1. This Civil Application is filed for bringing on record legal heirs of respondent no.2.
2. There is some delay in filing this application.
3. The office note shows that the proposed legal heirs of respondent no.2 are served, however, nobody appears for the proposed legal heirs of respondent no.2.
4. 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.

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

6. 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

sga/-