

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

978 CIVIL APPLICATION NO.6693 OF 2020
IN FA/1579/2020

VINAYAK BHIMRAO KALE (DIED) THR LRS HIRABAI VINAYAK
KALE AND ORS

VERSUS

THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
AURANGABAD AND ORS

....

Mr. A. M. Hajare, Advocate for the applicants

Mr. B., V. Virdhe, AGP for respondent/State

Mr. K. B. Dashkhedkar h/f Mr. R. C. Patil, Advocate for respondent no. 1

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CORAM : RAJESH S. PATIL, J.

DATE : OCTOBER 07, 2022

PER COURT : -

1. Civil Application No. 6693/2020 is filed for bringing legal heirs of applicant nos. 1 - Vinayak and 2 - Bhimrao on record.

2. There is a delay of 1489 and 3592 days in filing this application. Learned AGP for respondent/State and counsel for respondent no. 1 oppose 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. 6693/2020 is allowed in terms of prayer clause 'B' & 'C', subject to payment of costs of Rs. 1000/- to be paid by the applicants with the High Court Legal Services, Sub-committee, Aurangabad.

5. The Civil Application stands disposed off.

6. Abatement, if any, stands set aside.

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

[RAJESH S. PATIL]
JUDGE