

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

991 CIVIL APPLICATION NO.3016 OF 2017
IN SAST/21061/2011 WITH CA/6530/2013 IN SAST/21061/2011
SHANKAR BABURAO SHINDE (DIED) THROUGH HIS LRS AND
OTHERS
VERSUS
BABURAO RAJARAM PAWAR AND ORS

...
Advocate for Respondent no. 1 : Mr. P. P. Patni h/f Mr. P. F. Patni
...

CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 11, 2022

PER COURT : -

CIVIL APPLICATION NO.3016 OF 2017 :

1. This application is filed for bringing on record legal heirs of sole appellant.
2. There is a delay of two months and nine days in filing this application.
3. The counsel for respondent vehemently opposes the application.
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
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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 "B". Abatement stands set aside.

6. The Civil Application stands disposed off.

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

CIVIL APPLICATION NO. 6530 OF 2013 :

1. This is an application filed for bringing on record legal heirs of respondent no. 6 – Sonabai.

2. There is a delay of 1658 days in filing the application. Office remark shows that the proposed legal heirs of respondent no. 6 have already been served.

3. The counsel for respondent vehemently opposes the application.

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 "B" and "C". Abatement stands set aside.

6. The Civil Application stands disposed off.

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

[RAJESH S. PATIL]
JUDGE