

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

CIVIL APPLICATION NO. 5709 OF 2022
IN
FIRST APPEAL NO. 391 OF 2018

TULSIRAM SIDHABA YEMGAR DIED THR LRS.
DAGADU TULSHIRAM YAMGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR OSMANABAD AND OTHERS

....
Advocate for the applicant : Mr. B.K. Pawar
AGP for Respondent State : Mr. P. M. Kulkarni
Advocate for respondent No.2 : Mr. P.R.Tandale
....

CORAM : S. G. DIGE, J.
DATE : 29.07.2022

PER COURT :-

Heard learned counsel for the applicant and learned counsel for the respondent.

2. Learned counsel for the applicant submits that original respondent i.e. claimant Tulshiram Sindhaba Yamgar is died during the pendency of the appeal. Learned counsel for the applicant further submits that son of deceased Tulshiram Dattu is also died and his legal heirs are already taken on record. Applicants are legal heirs of the deceased hence they be taken on record. Learned counsel for the respondent submits

that applicants have produced heirship certificate of Sarpanch so on that basis applicants cannot be considered as legal heirs of the deceased. Learned counsel for the applicants submits that on oath, applicants have stated that they are legal heirs of deceased and except them no legal heirs are there to the deceased if it found false, they are ready to face action.

4. Considering submissions of both the learned counsel application is allowed.

5. Appellant to take steps within two weeks.

**(S.G. DIGE,)
JUDGE**

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