

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

939 CIVIL APPLICATION NO.5669 OF 2013
IN SA/349/2005

SAHEBRAO BHIKA FARKADE LRS JANABAI LRS POPAT AND OTHERS
VERSUS
TUKARAM BHIKA FARKADE LRS KAMALBAI AND OTHERS

...
Advocate for Applicants: Mr.A.S. Awalgaoonkar h/f Mr.D.P. Palodkar
Advocate for respondent nos. 1a to 1d : Mr. Ameet R. Vaidya
...

CORAM : RAJESH S. PATIL, J.

DATE : NOVEMBER 11, 2022

PER COURT : -

1. This civil application is filed for bringing on record legal heirs of deceased - respondent no. 1 and for setting aside abatement.
2. Mr. Vaidya submits that he has instructions to appear on behalf of the proposed legal heirs of deceased respondent no. 1.
3. There is a delay of 117 days in preferring this application.
4. Counsel for respondents vehemently opposes the application.
5. The Division Bench of this Court in *Keshao Kawadu Maral and another Versus State of Maharashtra*, reported in 2005 (supp.)
sgp

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.

6. Relying upon the above judgments and for the reasons stated in the application, same is allowed in terms of prayer clause "B", "C" and "D".

7. The Civil Application stands disposed off.

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

[RAJESH S. PATIL]
JUDGE