

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

940 CIVIL APPLICATION NO.6387 OF 2013
IN SA/1562/2005 WITH CA/6386/2013 IN SA/1562/2005

SURYABHAN GOVINDRAO SURYAWANSHI LRS KASHIBAI LRS GANPAT
AND OTHERS
VERSUS
SITARAM VITHOBA SURYAWANSHI AND OTHERS

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Advocate for Applicants : Dhorde Vikram R
Advocate for Respondents no. 1 to 4 : Mr. Rohit Dhongde h/f
Mr. Sanket S. Kulkarni
Advocate for Respondents no. 7 & 8 : Mr. Ashutosh Singh h/f
Mr. D. B. Rode

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CORAM : RAJESH S. PATIL, J.

DATE : NOVEMBER 11, 2022

PER COURT : -

CIVIL APPLICATION NO.6387 OF 2013 :

1. This application is filed for bringing on record legal heirs of applicant no. 3.
2. There is a delay of 145 days in filing this application.
3. The counsel for respondents 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

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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, Civil Application No. 6387/2013 is allowed in terms of prayer clauses “A” and “B”. Abatement, if any, 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. 6386 OF 2013 :

1. This application is filed for bringing on record legal heirs of deceased applicant no. 1-A.

2. There is a delay of 26 days in preferring this application. The counsel for respondents vehemently opposes the application.

3. 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.

4. Relying upon the above judgments and for the reasons stated in the application, Civil Application No. 6386/2013 is allowed in terms of prayer clause “A” and “B”. Abatement stands set aside.

5. 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