

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

**CIVIL APPLICATION NO.10764 OF 2021
IN SA/231/1999**

**BABURAO VITHALRAO GAVANE
VERSUS
NANDKISHOR RAMPAL SONI DIED THR LRS
RAMESHWARIBAI NANDKISHOER SONI**

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Advocate for Applicant : Mr. D.S. Kudle
h/f. Mr. Khandare N.B.
Advocate for Respondent : Mr. S.S. Dargad
h/f. Mr. S.G. Chaalgaonkar

CORAM : RAJESH S. PATIL, J.

DATE : 16TH NOVEMBER, 2022

PER COURT :

1. Civil Application is filed for bringing on record legal heirs of sole respondent.
2. Learned Advocate Mr. Dargad holding for learned Advocate Mr. Chapalgaonkar for respondent states that he has instructions to appear on behalf of the proposed legal heirs of respondent.
3. There is a delay of 637 days in filing this application. The counsel for respondent 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, Civil Application is allowed in terms of prayer clauses 'B' and 'C'. Abatement stands set aside.

6. The Civil Application stands disposed off.

7. Amendment to be carried out within a period of four (04) weeks from today.

(**RAJESH S. PATIL, J.**)