

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

962 CIVIL APPLICATION NO.8304 OF 2015
IN SA/882/1999 WITH CA/8305/2015 IN SA/872/1999

GURUNATH VISHWANATH SONTAKKE DIED LRS SHIVKUMAR
AND OTHERS

VERSUS

HIRKANBAI VISHWANATH SONTAKKE LRS KASHIBAI

...

Advocate for Respondent no.2 : Mr. Vivek Bhavthankar

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CORAM : RAJESH S. PATIL, J.

DATE : NOVEMBER 11, 2022

PER COURT : -

CIVIL APPLICATION NO.8304 OF 2015 IN SA NO. 882 OF 1999 :

1. This application is filed for bringing on record legal heirs of applicant – Gurunath.
2. There is a delay of 502 days in filing this application.
3. The counsel for respondent no. 2 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.

CIVIL APPLICATION NO. 8305 OF 2015 IN SA NO. 872 OF 1999 :

1. This application is filed for bringing on record legal heirs of applicant – Gurunath.

2. There is a delay of 502 days in filing this application.

3. The counsel for respondent no. 2 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