

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

CIVIL APPLICATION NO.13695 OF 2019
IN SA/35/2003 WITH CA/316/2003 IN SA/35/2003

SAYYED HABIB MALANGSAHEB AND OTHERS
VERSUS
GOROBA SITARAM SUL DIED THROUGH LRS VENKAT
GOROBA SULAND OTHERS

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Advocate for Applicants : Mr. Ashish P. Deshmukh
h/f. Mr. Deshmukh Sachin S.

Advocate for Respondent Nos. 1 to 4 : Mr. P.V. Gole
h/f. Mr. V.D. Gunale

CORAM : RAJESH S. PATIL, J.

DATE : 18TH NOVEMBER, 2022

PER COURT :

1. Civil Application is filed for bringing on record legal heirs of appellant No. 2.

2. There is a delay of 1783 days in filing this application. The counsel for respondent 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 is allowed in terms of prayer clause 'B' and 'C'. Abatement stands set aside.

5. Amendment to be carried out within a period of four weeks from today.

6. Learned Advocate for the appellant states that even respondent No. 1 is died and his legal heirs are already on record as respondent Nos. 2 to 4.

7. In view of the same, learned Advocate for the applicant is permitted to make necessary amendment in the cause title of the Second Appeal.

8. Civil Application stands disposed of.

(RAJESH S. PATIL, J.)