

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

CIVIL APPLICATION NO.10817 OF 2021 IN CP/2/2018

**CHANDRAKANT DATTU MAMADE SINCE DECEASED
THROUGH LEGAL HEIRS VANMALA CHANDRAKANT MAMADE
AND OTHERS
VERSUS
BALAJI SHAHURAJ PATIL AND OTHERS**

....

Mr. M.G. Kachare, Advocate h/f Mr. B.R. Waramma, Advocate for
the Applicants

Mr. V.D. Gunale, Advocate for Respondent Nos. 1 and 3

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15th MARCH, 2022

PER COURT:-

1. Heard Mr. Kachare holding for Mr. B.R. Waramma, learned counsel for the applicants and Mr. V.D. Gunale, learned counsel for respondent no.1 and 3. Mr. Sabnis, learned counsel for respondent nos. 2 and 4 remained absent, when matter is called out.

2 It is revealed during the course of argument that the original petitioner Chandrakant Dattu Mamade died on 26.04.2021. He has left behind four legal heirs, which have shown in para 3 of this application.

3. Mr. Gunale, learned counsel for respondent nos. 1 and 3 opposed to allow this application.

4. It is pointed out by Mr. Gunale that the application is not supported by heirship certificate, which is necessary. However, I do not see any force in his submission. The applicants have stated on affidavit that they are the legal heirs of the original petitioner, who died during Covid-19 pandemic. The death certificate is also placed on record. The application needs to be allowed.

ORDER

(i) The application is hereby allowed in terms of prayer clauses (A) and (B).

(ii) The names of legal heirs of the deceased claimant shall be brought on record within a period of four weeks from today.

(iii) Civil application is disposed of accordingly.

(iv) List the contempt petition on 12.04.2022.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane