

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

CIVIL APPLICATION NO.9170 OF 2019
IN SA/643/2003 WITH CA/9171/2019

KHUSHAL BALIRAM PATIL DIED THROUGH LRS KAMALBAI
RAMESH PATIL AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. R.M. Deshmukh
Advocate for Respondents : Mr. Sanket Palnitkar
h/f. Mr. C.R. Deshpande

CORAM : RAJESH S. PATIL, J.

DATE : 18TH NOVEMBER, 2022

PER COURT :

1. Civil Application is filed for bringing on record legal heirs of appellant.
2. There is a some delay 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. The Civil Application stands disposed off.

6. Civil Application No. 9171/2019 is not pressed. Hence, it is also disposed of.

(RAJESH S. PATIL, J.)