

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12225 OF 2016
IN CRA/167/2015

JAWAHARLAL PEMRAJ MUTHA
VERSUS
MOTILAL RITAKARAN MUTHA, DIED
THR. L.RS. TARABAI AND OTHERS

...

Advocate for Applicant : Ms. Rashmi Kulkarni
h/f. Mr. Kulkarni Sudhir D.
Advocate for Respondent No. 2 : Mr. N.K. Kadake

CORAM : RAJESH S. PATIL, J.

DATED : 20 OCTOBER, 2022

PER COURT:-

1. Learned Advocate for the applicant prays that she may be permitted to amend the prayer clause by adding prayer of delay and prayer of abatement. Such request is granted. Amendment be carried out forthwith.

2. This is an application for bringing on record the legal heirs of respondent No. 5. The office report shows that proposed legal heirs of respondent No. 5-a to 5-f and 5-h is served except proposed legal heir respondent No. 5-g.

3. The Division Bench of this Hon'ble High 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 of bringing legal heirs on record, relying on Supreme Court judgment 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. In view of the above judgment and the submissions made in the application, Civil application is allowed in terms of payer clause A and A-1. Abatement stands set aside.

5. Amendment be carried out within six weeks from today.

6. Civil Application stands disposed of.

[RAJESH S. PATIL, J.]