

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

939 CIVIL APPLICATION NO.9850 OF 2022
IN SA/1672/2005 WITH CA/12916/2010 IN SA/1672/2005

GOVINDRAO NAMDEVRAO GAIKWAD
VERSUS
BALIRAM LIMBAJI KADAM DIED LRS. MADHAV AND ANR

...
Advocate for Applicant : Mr. P. V. Gole h/f Mr. V. D. Gunale
Advocate for Respondents : Mr. D. R. Ghonge h/f Mr. V. T. Sakolkar
...

CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 21, 2022

PER COURT : -

CIVIL APPLICATION NO.9850 OF 2022 :

1. This Civil Application is filed for bringing on record legal heirs of sole respondent.
2. Advocate Mr. D. R. Ghonge holding for Mr. V. T. Sakolkar appears for the proposed legal heirs of respondent.
3. There is a delay of 3190 days in filing this application. The counsel for respondent 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.

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5. Relying upon the above judgments and for the reasons stated in the application, Civil Application No. 9850 of 2022 is allowed in terms of prayer clause “B” and “C”, subject to the payment of costs of Rs.1,000/- (Rupees One Thousand) to be paid to the legal heirs of sole respondent. 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. 12916 OF 2010 :

1. This Civil Application is filed for fixing the date for early hearing of the second appeal.

2. For the reasons cited in the application, same is allowed in terms of payer clause ‘B’.

3. Second Appeal No. 1672 of 2005 to come up on board of final hearing **as per it's turn** or on **09th December, 2022**.

4. Civil Application is accordingly disposed of.

[RAJESH S. PATIL]
JUDGE