

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

913 CIVIL APPLICATION NO.11823 OF 2015
IN CA/1712/2013 WITH CA/1712/2013 IN SA/18/1998 WITH
CA/1711/2013 IN SA/18/1998

BABURAO BUDHA BAVISKAR
VERSUS
TAPABAI RAJARAM KOLI DIED LRS LATABAI AND OTHERS

...
Advocate for Applicant: Ms Y. S. Mulay h/f Mr. M.M. Patil (Beedkar)

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CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 22, 2022

PER COURT : -

CIVIL APPLICATION NO.11823 OF 2015 :

1. This civil application is filed for bringing on record legal heirs of deceased respondent no. 1A – Ramesh Koli.
2. There is delay in filing this application.
3. Issue notice to the proposed legal heirs of respondent no. 1A, returnable on **20th December, 2022**.
4. In addition to the court notice, the counsel for the applicants is at liberty to serve proposed legal heirs of respondent no. 1A with private notice and file affidavit of service to that effect on or before the returnable date.

CIVIL APPLICATION NO. 1712 OF 2013 :

1. This Civil Application is filed for bringing on record legal heirs of deceased respondent no. 1 – Tapabai Koli. There is some delay in filing this application.

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2. Advocate for the applicant to amend the civil application and also insert the name of proposed legal heirs of respondent no. 1A in the title clause of this application. Since the legal heirs of respondent no. 1 i.e. proposed legal heirs respondent no. 1A and 1B have also died, the legal heirs of respondent no. 1B are shown in the title clause and the legal heirs of respondent no. 1A are not shown in the title clause.
3. **Stand over to 20th December, 2022**, to enable the counsel for the applicant to make the necessary amendment.

CIVIL APPLICATION NO. 1711 OF 2013 :

1. This application is filed for bringing on record legal heirs of deceased respondent no. 2. There is some delay in filing this civil application.
2. Proposed legal heirs of respondent no. 2 have been served as per note, however, nobody appears for the proposed legal heirs of respondent no. 2.
3. 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.

5. Relying upon the above judgments and for the reasons stated in the application, same is allowed in terms of prayer clause “B” and “C”. 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.

[RAJESH S. PATIL]
JUDGE