

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

915 CIVIL APPLICATION NO.5632 OF 2016
IN SA/132/1996 WITH CA/5634/2016 IN SA/132/1996 WITH
CA/10927/2014 IN SA/132/1996 WITH SA/132/1996

VITHAL SHANKAR LADE LRS BHAGABAI LRS SHIVAJI LRS
SHARDABAI AND OTHERS

VERSUS

TUKARAM SHANKAR LADE AND ANOTHER

...

Advocate for Applicants : Mr.C.C. Deshpande h/f C. R.Deshpande

Advocate for respondent no.2: Mr.M.M. Jadhav h/f Mr.S.P. Shah

...

CORAM : RAJESH S. PATIL, J.

DATE : NOVEMBER 22, 2022

PER COURT : -

CIVIL APPLICATION NO. 10927 OF 2014 :

1. Not on board. Taken on board.
2. This civil application is filed for recalling the order dated 06.09.2013 passed by this Court. By the said order, the second appeal was dismissed for want of prosecution.
3. For the reasons cited in the application, same is allowed in terms of prayer clause "B" and "C".
4. Civil Application is accordingly disposed of.

CIVIL APPLICATION NO. 5634 OF 2016 :

1. This civil application is filed for bringing on record legal heirs of appellant no. 1 – Shivaji Lade.

sgp

2. There is a delay of 2685 days 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, same is allowed in terms of prayer clause "B", "C" and "D". Abatement stands set aside.

5. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of two (02) weeks from today.

CIVIL APPLICATION NO. 5632 OF 2016 :

1. This civil application is filed for bringing on record legal heirs of appellant no. 2 – Rajendra Lade.

2. There is a delay of 1979 days 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, same is allowed in terms of prayer clause "B", "C" and "D". Abatement stands set aside.

5. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of two (02) weeks from today.

SECOND APPEAL NO. 132 OF 1996 :

. List this appeal on the board of final hearing on **09th December, 2022**.

**[RAJESH S. PATIL]
JUDGE**