

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 15127 OF 2022
IN FIRST APPEAL (ST) NO. 10322 OF 2022
WITH CA/15128/2022 IN FAST/10322/2022**

HANUMANT PRABHU UJANKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
OSMANABAD AND OTHERS

...
Advocate for Applicants : Mr. A.S. More
AGP for Respondents – State : Mr. P.M. Kulkarni
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 14th November, 2022.

PER COURT :

- . Heard rival submissions.
2. Leave the correct the prayer clause 'B' in Civil Application No. 15127 of 2022.
3. The applicants who are common in both these applications are seeking permission to delete the name of original appellant No.3 – Kesharbai and also for restoration by setting aside order dated 28.06.2022 whereby the registration of this Appeal was refused due to non removal

of office objections by the Registrar (Judicial) of this Court.

4. It appears from the death certificate that, the original appellant No.3 - Kesharbai had died on 21.04.2021 i.e. prior to filing of Appeal. However, her legal heirs were already on record being the original appellant Nos.1 and 2. As such, there was no requirement of bringing her legal representatives on record when the order dated 28.06.2022 was passed.

5. The learned Counsel for the applicants submits that, there was no other objection as such.

6. In view of the same, both the applications are hereby allowed and the applicants are permitted to delete the name of original appellant No.3 and after such deletion the order dated 28.06.2022 be set aside subject to removal of other office objections, if any.

7. The applications are accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE