

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

908 CIVIL APPLICATION NO.15238 OF 2022
IN CRA/208/2017

OMPRAKASH RAJARAM BASAIYE DECEASED THR LRS MALARANI
OMPRAKASH BASAIYEE AND ORS
VERSUS
JUGALKISHOR SITARAM BHARUKA

...
Advocate for Applicants : Mr. S. R. Deshpande
Advocate for respondent : Mr. P. P. Patni h/f Mr. P. F. Patni
...

CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 11, 2022

PER COURT : -

1. Civil Application No. 15238 of 2022 is filed for bringing on record legal heirs of applicant no. 1 – deceased Omprakash Rajaram Basaiye.
2. There is a delay of 86 days in filing this application. The counsel for respondent vehemently 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 of 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, Civil Application No. 15238 of 2022 is allowed
sgp

in terms of prayer clause 'B' and 'C' of the application. Abatement stands set aside.

5. Civil Application is accordingly disposed off.

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

[RAJESH S. PATIL]
JUDGE