

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

WRIT PETITION NO. 11937 OF 2022

Laxman Narayan Garkar and others .. Petitioners

Versus

Bhagwan Tukaram Sanap
Since deceased through L.Rs.
Asaram Bhagwan Sanap and others .. Respondents

Shri Balasaheb N. Magar, Advocate for the Petitioner.

**CORAM : SANDEEP V. MARNE, J.
DATE : 30TH NOVEMBER, 2022.**

FINAL ORDER :

1. By this petition, the petitioner challenges orders dated 08.06.2022 passed by the District Judge, Parbhani on various applications filed to bring on record legal heirs of deceased respondent Nos. 1, 8 and 10. Applications seeking condonation of delay in bringing legal heirs have been rejected. This led to rejection of main applications for bringing legal heirs on record as well.

2. It appears that the Appellate Court has served notices of the applications on the proposal legal heirs and despite service, they failed to appear before the Appellate Court.

3. Considering that representation on behalf of deceased respondent Nos. 1, 8 and 10 is essential before the Appellate

Court so as to enable the appellant to enjoy the fruits of the decree, it is necessary in the interest of justice the legal heirs of the deceased respondent Nos. 1, 8 and 10 are brought on record. In view of the fact that legal heirs of deceased respondent Nos. 1, 8 and 10 did not appear before the lower Appellate Court, nor opposed the applications to bring them on record, it is not considered expedient to issue notices to them.

4. Accordingly, present petition is allowed. The orders dated 08.06.2022 passed by the learned District Judge, Parbhani on applications Exhibit 16 to 24 in R. C. A. No. 92 of 2012 are set aside and those applications are allowed in terms of prayers made therein. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]

bsb/Nov. 22