

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

**918 WRIT PETITION NO.4815 OF 2021
WITH CA/13383/2021 IN WP/4815/2021**

SINDUBAI ALIAS KALABAI RAMBHAU KAPSE AND OTHERS
VERSUS
RAOSAHEB BABURAO DAHATONDE AND OTHERS

...
Advocate for Petitioners : Mr. Shinde Chandrakant K.
Mr.Yashwant P.Jadhav, Adv. h/for Mr. VD Salunke, Adv. For
Resp.Nos. 2 to 4.

CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 29th March, 2022.

PER COURT :-

1. CA No. 13383/2021 is moved to bring the legal representatives of deceased Respondent No.1 – Raosaheb Baburao Dahatonde on record, who is said to have died on 12th April, 2021.
2. Heard learned Counsel for the parties.
3. Learned Counsel for the applicants invited my attention to para 3 page 3 of the application, wherein names of the legal representatives of the deceased have been mentioned. It is submitted that except the proposed legal representatives, there is no other legal heirs of the deceased. In view of the same, the applicants are permitted to bring on record the legal representatives of deceased Respondent No.1. The petition shall be amended to incorporate the names of the proposed legal

(2)

representatives within a period of one week from today.

4. After carrying out the necessary amendment in the petition, amended copy be supplied to the other side.

5. Learned Counsel for Respondent Nos. 2 to 4, i.e. original defendants Nos. 2 to 4, requests for issuing notices to the proposed legal heirs of the deceased.

6. After the amendment, notices be issued to the legal representatives of the deceased, returnable on 12th April, 2022.

6. The application stands disposed of.

7. It appears that there is an element of settlement as it was originally the suit for partition and possession of the ancestral properties.

8. The learned Counsel for the petitioners submits that the respondents are the step-brothers and sisters. In that view of the matter, learned counsel shall use their good offices in ensuring that the parties arrive at an amicable settlement so that on the next date, the matter can be referred for mediation.

9. Stand over to 20th April, 2022 for making appropriate statement in that regard.

(PRITHVIRAJ K. CHAVAN, J.)

BDV