

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

904 CIVIL APPLICATION NO.13031 OF 2019
IN FA/3562/2018

GANPATI MAHADU GIRI (DIED) THR LRS RUKMINBAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Ms. Thakur, h/f Mr. L. C. Patil.

AGP for Respondent/State: Mr. P. M. Kulkarni.

Advocate for Respondent Nos.2 & 3 : Mr. P. R. Tandale.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 04th February, 2022.

P.C.:

. It is an application to bring on record the legal heirs of original claimant Ganpati S/o.Mahadu Giri, who is reported to be dead on 13th September, 2013. In view of office objection regarding difference in the name of deceased and in view of order passed by this Court dated 6th December, 2019, the applicants have filed supporting affidavit dated 17th December, 2019. Mr. Mahadev Ganpati Giri, son of deceased has filed affidavit stating that the name of his father "Ganpati" was mentioned as "Ganpat" while issuing the death certificate. In fact, Ganpati and Ganpat is the same and one person and he has taken the responsibility about the same. As such, the office objection has been complied with by filing the affidavit. "Ganpati Mahadu Giri" and "Ganpat Mahadev Giri" is found to be same and one person as per the affidavit sworn by Mahadev Ganpati Giri.

2 Now coming to prayer for bringing on record the legal heirs, even though there is delay of 2128 days in preferring this application by the learned counsel for applicants, the delay needs to be condoned by looking to the nature of dispute. In fact, it was for the appellant/acquiring body to move this application to bring on record the legal heirs. Mr. Tandale, learned counsel for appellant/acquiring body submits that the death of claimant is not intimated by his legal heirs and as such, the acquiring body could not get any knowledge about the death of the original claimant. Be that as it may, in the interest of justice, this application needs to be allowed. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed in terms of prayer clauses (A) and (B).
- II. The appellant/acquiring body to carry out necessary amendment in the appeal memo and provide amended copy of the appeal memo to the respondents.
- III. The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]