

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

CIVIL APPLICATION NO.2190 OF 2021
IN SA/579/1999

VITHABAI RADHU TAMBE DIED LRS. RADHU BHIVA TAMBE
DECEASED LRS. KISAN RADHU TAMBE AND OTHERS
VERSUS
HAUSABAI KHANDU NARSALE DIED (DELETED) LRS.
GOVIND GIRJU NARSALE DECEASED LRS. BHASKAR AND
OTHERS

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Advocate for Applicants : Mr. Y.H. Layal
h/f. Mr. Yogesh D. Kale
Advocate for Respondent Nos. 2/a, 2/c, 3/a & 5 to 7 :
Mr. M.S. Shah h/f. Mr. Shailesh P. Brahme

CORAM : RAJESH S. PATIL, J.

DATE : 16TH NOVEMBER, 2022

PER COURT :

1. Civil Application No. 2190/2021 is filed for bringing on record legal heirs of respondent Nos. 2 and 3. Learned Advocate Mr. Shah holding for learned Advocate Mr. Brahme, for respondent Nos. 2/a, 2/c, 3/a and 5 to 7 states that he has already received Vakilpatra on behalf of proposed legal heirs of respondent No. 2 and proposed legal heirs of respondent No. 3. He states that he will file Vakilpatra within a period of one week.

2. There is a delay of 954 days in filing this application. The counsel for respondent 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 for 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 is allowed in terms of prayer clauses 'B' and 'C'. Abatement stands set aside.

5. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of three (03) weeks from today.

(**RAJESH S. PATIL, J.**)