

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

**CIVIL APPLICATION NO.5758 OF 2020
IN FA/1236/2016**

**KISAN GANPATI GAIKWAD (DIED)
THR LRS LAXMAN KISAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

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**Advocate for Applicant : Mr. Jayabhar Dattatraya R.
AGP for Respondent No. 1 : Mr. R.V. Dasalkar**

**CORAM : RAJESH S. PATIL, J.
DATED : 07 OCTOBER, 2022**

PER COURT:-

1. Civil Application No. 5758/2020 is filed for bringing legal heirs of applicant – Kisan on record.
2. There is a delay of 1373 days in filing this application. Learned counsel for respondent opposes the application.
3. The Division Bench of this Hon'ble High 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 on Supreme Court judgment 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. 5758/2020 is allowed in terms of prayer clause 'B' and 'C', subject to payment of costs of Rs. 1000/- to be paid by applicants with the High Court Legal Services, Subcommittee, Aurangabad. The Civil Application stands disposed off. Abatement stands set aside.

5. Amendment to be carried out within a period of six (06) weeks from today.

[RAJESH S. PATIL, J.]