

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

925 CIVIL APPLICATION NO.3973 OF 2020
IN SA/373/1996

DEVIDAS DHONDUJI VISHWASU DIED LRS. VIMLABAI AND OTHERS
VERSUS
HASAMJI AMRITRAO KULSINGE AND ANOTHER

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Advocate for Applicants : Mr. Gopal C. Navandar
Advocate for respondent no. 2 in SA: Mr. P. P. Patni h/f Mr. P. F. Patni

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CORAM : RAJESH S. PATIL, J.
DATE : NOVEMBER 22, 2022

PER COURT : -

1. Civil Application No. 3973/2020 is filed for bringing on record legal heirs of appellant – Devidas Dhonduji Vishwasu.
2. There is a delay of 378 days in filing this application. The counsel for respondent no. 2 in Second Appeal, 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, same is allowed in terms of prayer clause 'b' and 'b-1'. 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]
JUDGE