

SPChauhan

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

CIVIL APPLICATION NO. 6457 OF 2022
IN
SECOND APPEAL NO. 191 OF 2021

Laxman Jagannath Sathe Deceased
Through LRs Mandabai Laxman Sathe and others ... Applicants

Versus

Babasaheb Gangadhar Nawale and others ... Respondents

....
Ms. P.V. Langhe – Advocate for Applicants
Mr. A.R. Kawade – Advocate for Respondent
....

CORAM : GAURI GODSE, J.

DATE : 30th January, 2023

PER COURT :

1. This application is filed for bringing on record heirs and legal representative of the deceased sole appellant.

2. The applicants are claiming to be heirs and legal representatives of sole appellant. There is a reply filed on behalf of respondent nos. 4 to 7, thereby, disputing that applicant no. 1 – Mandabai is not legally wedded wife of the appellant and therefore, the application should not be allowed.

3. So far as the applicant no. 2 is concerned, it is not disputed that applicant is son of the deceased appellant. So far as the other possible heirs of the deceased appellant are concerned, they are made party respondents in the present application.

4. Hence, for the reasons stated in the application, the application is allowed in terms of prayer clause 'b'. Prayer clause 'b' reads thus :

“b. The necessary permission may be granted to bring the applicant nos. 1 to 2 and respondent nos. 4 (1) to 4 (4) as legal heirs of deceased Laxman Jagannath Sathe on record, which is stated in para No. 3 of this Civil Application.”

5. Question as to whether applicant no. 1 is heir and legal representative of deceased appellant is kept open and subject to the same, present application is allowed.

6. Amendment to be carried out within a period of two weeks.

7. List the Second Appeal for admission on 20th February, 2023.

[GAURI GODSE]
JUDGE