

SGPunde

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

CIVIL APPLICATION NO.3076 OF 2014  
IN  
SECOND APPEAL [ST] NO. 21915 OF 2011  
WITH  
CIVIL APPLICATION NO.1497 OF 2023  
IN  
REJECTED CASE NO. 78 OF 2017  
WITH  
CIVIL APPLICATION NO. 11671 OF 2011  
IN  
SECOND APPEAL [ST] NO. 21915 OF 2011  
WITH  
CIVIL APPLICATION NO. 11672 OF 2011  
IN  
SECOND APPEAL [ST] NO. 21915 OF 2011

Late Gambhir Yasin Jakatdar (died)  
through LRs - & Ors. ... Applicants

*Versus*

Bhaskarrao Kashirao Deshmukh (died)  
through LRs & Ors. ... Respondents

...

Ms Kirti Deshpande h/f Mr. M. M. Bhokarikar – Advocate for  
applicants

Mr. A. M. Gholap – Advocate for respondents

....

**CORAM : GAURI GODSE, J.**

**DATE : 14<sup>th</sup> FEBRUARY, 2023**

**PER COURT :**

**CIVIL APPLICATION NO. 1497 OF 2023 :**

1. For the reasons stated in the application, this application is  
allowed in terms of prayer clause 'B', which reads as under :

“B” - The order dated 11.1.2017 of Hon. Registrar (Judicial), Hon. High Court of Judicature of Bombay Bench Aurangabad may kindly be quashed and set aside and CAs. 13278 / 2016 may kindly be restored on its original stage.

2. Civil Application stands disposed off.

CIVIL APPLICATION [ST] NO. 13278 OF 2016 :

3. This application is filed for bringing on record heirs and legal heirs of deceased-respondent Bhayyasaheb Bhaskarrao Deshmukh. Heirs and legal representatives are represented through Mr. A. M. Gholap.
4. For the reasons stated in the application, the civil application is allowed in terms of prayer clause ‘b’, which reads thus :  
  
‘b’ - The legal heirs as stated in paragraph no. 2 may kindly be allowed to bring as legal heirs of Late Bhaiyyasaheb Bhaskarrao Deshmukh on record of appeal and in all civil applications.
5. The delay in filing the application is condoned. Abatement is set aside.

CIVIL APPLICATION NO. 3076 OF 2014 :

6. This application is filed for bringing on record the heirs and legal representatives of respondent no. 1.

7. The names of heirs and legal representatives are stated in paragraph no. 1 of the application.
8. Mr. A. M. Gholap appears for for the heirs and legal representatives of respondent no. 1
9. For the reasons stated in the application, delay is condoned. Abatement is set aside. The application is allowed in terms of prayer clause 'b' and 'c', which reads thus :  
  
"b" - The name of proposed legal heirs of Late Bhaskarrao and Late Indubai as stated in paragraph no. 1 may kindly be allowed to bring in second appeal and different civil applications preferred with second appeal.  
  
"c" - The delay of 59 days for preferring this application may kindly be condoned in the interest of justice.
10. Amendment to be carried out within three weeks.

CIVIL APPLICATION NO. 11671 OF 2011 :

11. This application is for condonation of delay of 30 days in filing the second appeal.
12. Mr. A. M. Gholap states that he has no objection in allowing the application.
13. Hence, the application is allowed in terms of prayer clause 'b', which is reproduced as under :

‘b’ - The delay of 30 days for filing the appeal against the Judgment and Decree passed by the Hon. CJJD, Bhusawal in RCS no. 394/1983 on 10.3.2005 which was confirmed on 20.10.2010 by the Hon. District Judge-4, Jalgaon in Regular Civil Appeal no. 87/2005 may kindly be condoned.

14. Civil Application is disposed off. Office to register the second appeal and list the same for admission on 08<sup>th</sup> March, 2023.
15. Applicant is granted three weeks time to carry out the amendment as per the aforesaid order passed in all the civil applications. If the amendment is not carried out within three weeks, the present application will stand dismissed without further reference to the court.

**[ GAURI GODSE ]**  
**JUDGE**