

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION**

**CIVIL APPLICATION NO. 3 OF 2023
IN
WRIT PETITION NO. 6657 OF 2010
WITH
CIVIL APPLICATION NO. 4 OF 2023
IN
WRIT PETITION NO. 6657 OF 2010**

Kisan Shankar Shelke Decd Through Lhrs
and Anr

Applicants.

V/s.

Hirabai Bahiru Karanjkar and Ors.

Respondents.

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Mr. Vivek B. Rane i/b. Ashwin R. Kapadnis for Applicants.

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CORAM : RAJESH S PATIL, J.

DATED : 25th January, 2023

P.C.:

CIVIL APPLICATION NO. 3 OF 2023

1. This Civil Application is filed for bringing the proposed legal heirs of deceased Petitioner No.1B (Vishnu Kisan Shelke) on record.

2. There is some delay in filing this application. The 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 is allowed in terms of prayer clause A) and B). Abatement stands set aside.

5. The Civil Application stands disposed off.

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

CIVIL APPLICATION NO. 4 OF 2023

1. This Interim Application is filed to bring on record the proposed legal heirs of deceased Respondent No.2. There is some delay in filing the application.

2 Issue notice to proposed legal heirs of deceased Respondent No.2. Returnable after 8 weeks.

3 Apart from the court notice, Advocate for Applicant is permitted to serve the proposed legal heirs of deceased Respondent No. 2 by Advocate's private notice, by all permissible means and file an Affidavit of service to that effect within eight weeks from today.

4 List the matter after eight weeks.

(RAJESH S. PATIL, J.)