

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.18961 OF 2022
WITH
INTERIM APPLICATION NO.18963 OF 2022
IN
WRIT PETITION NO.3480 OF 2017

Mr. Dinkar Shamrao Shinde
Decd. Thru LHRS
Sachin Dinkar Shinde & Ors.

...
**Applicants/
Petitioners**

Versus

The District Superintendent of Land Record
Sangli and Ors.

...**Respondents**

Mr Pramod G. Kathane, *with Mr. Anjaykumar R. Kori for the*
Applicants/Petitioners.

Mr Sanjay D. Rayrikar, *AGP for the Respondent No.1.*

Mr. Om N. Latpate, *i/b Mr. Kuldeep Nikam for R.No.2.*

CORAM: Dr. Neela Gokhale, J.

DATED: 13th December 2023

PC:-

INTERIM APPLICATION NO.18961 OF 2022

1. Leave granted to amend the cause-title of the Application. Amendment to be carried out forthwith and copy of the amended application be served on the Respondents.
2. The Petitioner No.1 namely, Dinkar Shamrao Shinde is deceased. His children, Applicant Nos.1 to 3 seek to be impleaded as legal heirs of their deceased father (Petitioner No.1) by way of present application. There is a delay of 5 years and 341 days in making the present application. The averments in the application are not convincing neither any reasonable ground is made out to justify the delay.
3. Mr. Pramod G. Kathane, learned counsel for the Applicants/Petitioners states that Petitioner No.3-Mr. Sarjerao Shamrao Shinde is their uncle, who was looking after matter and he failed to inform the applicants regarding the pendency of the present petition. In any event, only so as not to deprive surviving legal heirs of their entitlements if any, permission is granted to implead the applicants as legal heirs of the deceased Petitioner No.1-Mr. Dinkar Shamrao Shinde. The delay in making the application is condoned subject to depositing costs of Rs.3,000/- to be paid to the Kirtikar Law Library within a period of one week from today. The proof of payment be placed on record. The Applicants are directed to amend the petition within a period of one week and serve a copy of the amended petition on the Respondents. The Respondents are at liberty to file a reply affidavit within a period of two weeks thereafter.

INTERIM APPLICATION NO.18963 OF 2022

4. The application seeks to bring on record the legal heirs of the deceased Respondent No.2-Popat Maruti Shinde, who are named in the Schedule I annexed to the application. There is delay of 3 years and 103 days in making the present application.

6. Mr. Pramod G. Kathane, learned counsel for the Applicants states that they came to know about the demise of the Respondent No.2 only when the local advocate in Sangli informed them in that regard. He further states that Respondent No.2 died on 13th March 2019 and the advocate appearing for the Respondent No.1 informed the applicants in respect of his demise only on 9th July 2019. Thereafter the advocate for the Applicants took instructions from the applicants in respect of the details of the legal heirs of the Respondent No.2. It took sometime for the local advocate at Sangli to take instructions and pass on the information to the learned counsel appearing in the present petition. He says that, the delay is inadvertent and not deliberate.

7. In view of above and in order to meet the ends of justice, applicants are permitted to bring on record, surviving legal heirs of the deceased Respondent No.2 as named in Schedule I to the application. Delay in making the application is condoned.

8. Issue notice to the legal heirs of the deceased Respondent

No.2. Applicants are also directed to effect private service on the legal heirs of the deceased Respondent No.2 by all means of communication as permissible in law and file an affidavit of service on or before the next date.

9. Interim Application disposed.
10. List the matter on 5th February 2024.
11. Ad-interim orders, if any, to continue till then.

(Dr. Neela Gokhale, J)