

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4922 OF 2011
IN
FIRST APPEAL NO. 490 OF 1998

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The State of Maharashtra

...Applicant/
Appellant

Versus

Ananda Haibti Shinde (since deceased through his legal heirs) 1. Smt. Indrabai Jayawant Ghadge.
And Anr.

...Respondents

Ms. Tanaya Goswami, AGP for Applicant/State.

None for the Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 18th DECEMBER, 2023

P.C. :

1. Heard learned AGP for the State. This is an application for bringing legal heirs of deceased Respondent No. 3 on record. None for the Respondents. Office note shows that notices sent by registered post to proposed Respondents, are duly served.

2. It is the case of the Applicant/State that when the matter was listed before the Registrar(Judicial-I), on 05.01.2010 it was learnt that the notice issued to the Respondent No. 3 is returned unserved with bailiff's remark "dead". It is submitted that thereafter the office of the Government Pleader entered into the correspondence with the concerned SLAO and ultimately under letter dated 01.08.2011, the Applicant has received necessary details of proposed

legal heirs of deceased Respondent No. 3 - Smt. Gangubai Manik Patil who expired on 17.08.2008.

3. In view of the aforesaid averments in the Application, which are un-contraverted, sufficient cause is made out. Civil Application is allowed in terms of prayer clause (b) to (d). Delay is condoned. Abatement of the Appeal *vis-a-vis* Respondent No. 3 is set aside. The Applicant/State is permitted to bring legal heirs of Respondent No. 3 on record. Necessary amendment be carried out within a period of 3 weeks from today.

4. Civil Application is disposed of. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)