



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

CIVIL APPLICATION NO. 1643 OF 2024
IN FA/3428/2023

GOPINATH SHIVNATH KAWALE (DIED) THROUGH LRS.
RUPABAI GOPINATH KAWALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, LATUR
DIST. LATUR

...
Advocate for Applicants : Mr. Bramhanand M. Dhanure
AGP for Respondents No.1 and 2 : Mrs. R. R. Tandale
Advocate for Respondent No.3 : Mrs. R. D. Reddy
...

CORAM : S. G. MEHARE, J.

DATE : 08-02-2024

PER COURT :-

1. Heard the learned counsel for the applicants/claimants.
2. This could be an application under Order I, Rule 10 of the Code of Civil Procedure. The application has been filed to bring legal representatives on record with an application for condonation of delay by the applicants who were not brought on record after the death of sole respondent/claimant Gopinath. The legal heirs of respondents have no right to file such an application. In the facts and circumstances of the case, the appellant had to apply to bring them as legal representatives. Factually, it is an incorrect practice. Many similar applications have come to the Court's notice. Instead of the appellant, the legal heirs of the respondent/claimant

themselves have filed an application to bring them on record as legal heirs of the deceased. In fact, it is the duty of the learned counsel for the deceased claimant/respondent to inform the appellant about the death of the respondent/claimant. This way or the other, the heirs of the deceased were to be brought on the record, being the legal heirs of Gopinath. However, to make justice, the application is allowed, considering it as an application for adding them as a party. Since they are going to be arraigned as respondents, the learned counsel for the appellant is to take them on record by making necessary amendments. The amendment shall be carried out within one month from today.

3. Stand over to 15.04.2024.

(S. G. MEHARE, J.)

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