



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

**55 REVIEW APPLICATION (CIVIL) NO. 217 OF 2017
IN CRA/135/2017**

**BABURAO NAGAPPA TUGAVE SINCE DECEASED THROUGH L.RS. NAGESH
BABURAO TUGAVE AND OTHERS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS**

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Advocate for Applicant : Mr. C.V. Dharurkar h/f Mr. Dharurkar Vinaya
(Muley)

AGP for Respondent nos.1 & 2 : Mrs. M.N.Ghanekar d

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CORAM : SHAILESH P BRAHME, J.

DATE : 08.12.2025

PER COURT :

None appears for respondent no. 3-contesting party. Learned A.G.P. appears for respondent nos. 1 and 2.

2. The order under review is that of 11.07.2017. The mistake apparent on face of record is recording of name of Baburao Nagappa Tugave. After passing of the order it revealed that Baburao was not surviving at the relevant time and steps should have been taken to bring his legal heirs on record so their names could have been incorporated in the order under review.

3. The learned counsel for the applicant Mr. Dharurkar has categorically stated in the application as to how the mistake occurred. The original claimant Baburao died on 25.11.2010 and he is survived by legal heirs shown in the title clause of the review application. There is lack of communication, and though draft of Civil Revision Application disclosed

legal heirs and which was sworn by one of the heirs, the Civil Revision is filed in the name of deceased person. The mistake appears to be inadvertent and innocuous. The respondent-acquiring body has not caused any appearance. There is no reason to doubt *bona fides* of the applicants. No prejudice would be caused to the parties.

4. Present case squarely falls within preview of Order 47 read with Section 114 of the Code of Civil Procedure, review deserves to be allowed.

5. The Review Application is allowed by incorporating the names of heirs of deceased Baburao Nagappa Tugave. Necessary amendment shall be incorporated in Civil Revision Application. Save and except, the rest of the order under review shall stand confirmed.

(SHAILESH P. BRAHME, J.)

mkd/-