

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.95 OF 2024
IN
SECOND APPEAL NO.703 OF 1997**

**Ganpat Dattatraya Shinde
Since deceased through LRs**

..... Applicants

VERSUS

**Thakaram Baban Padwal
Since deceased through LRs**

..... Respondents

Mr.Rahul Kate for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 24 SEPTEMBER, 2025

P.C. :-

- 1) This Interim Application has been filed by the Applicant to bring on record the legal heirs of deceased Respondent No.3.
- 2) The Counsel for the Applicants submits that there is delay in filing this Application.
- 3) The office remark shows that the legal heirs of deceased Respondent No.3 have been duly served, so also the Advocate appearing for the Applicants has filed Affidavit of Service proving the service on the proposed legal heirs. There is no reply filed by the

proposed legal heirs of deceased Respondent No.3 opposing the present Interim Application, though served.

4) The Division Bench of this Court in ***Keshao s/o. Kawadu Maral and another Versus State of Maharashtra and others***, reported in ***2005 (1) MahLJ 1059***, condoned the delay of six years in filing the Application of bringing the legal heirs on record, relying on the Supreme Court judgment of ***Sardar Amarjit Singh Karla (dead) by LRS. and others Versus Pramod Gupta (Smt.) (dead) by LRS. and others, reported in 2003 (3) SCC 272***.

5) Considering the law laid down by the Division Bench of this Court and after going through the contents of the Interim Application, I am convinced that the Interim Application needs to be allowed.

6) Interim Application is allowed in terms of prayer clauses (b) and (c).

7) Amendment to be carried out within a period of two weeks from today. Re-verification is dispensed with.

[RAJESH S. PATIL, J.]