

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 1599 OF 2025

WITH

INTERIM APPLICATION NO. 1625 OF 2025

WITH

INTERIM APPLICATION NO. 1626 OF 2025

IN

WRIT PETITION NO.3868 OF 2006

Appa Shankar Aurange (since deceased)
through legal heirs & ors.

..Applicants

Versus

Jagannath Shankar Pawar (since deceased)
through legal heirs

..Respondents

Ms. Shraddha Pawar i/b. Mr.Vilas Tapkir, Advocates, for the Applicants
Mr. Babasaheb G. Ligade, Advocate, for the Respondents

CORAM : RAJESH S. PATIL, J.

DATE : 17.12.2025

P. C.

INTERIM APPLICATION NO. 1625 OF 2025

1. This Interim Application has been filed to bring on record legal heirs of Petitioner No. 1(B).
2. Learned Counsel for the Applicants submits that there is a delay of 3 years and 354 days in filing this Application.
3. Ms. Pawar, learned Counsel for the Applicants states that Petitioner No. 1(B) has died on 30.07.2020 during the Covid period

and this Interim Application has been filed on 02.10.2024. The Applicants had taken efforts which have been stated in the Interim Application and cause of action to pursue the Writ Petition further continues. Therefore, the Interim Application needs to be allowed.

4. Learned Counsel for the Respondents has opposed this Application on the ground that the Applicants were well aware about pendency of the aforesaid Writ Petition and they have been negligent in filing the present Interim Application. Therefore, delay should not be condoned.

5. 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 legals 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*.

6. I am convinced that this Application requires to be allowed.

7. Considering the law as laid down in the above Judgment and facts of the present case, the Interim Application stands allowed in terms of **prayer clauses (b) & (c)**.

8. Amendment to be carried out within a period of four weeks from

today.

INTERIM APPLICATION NO. 1626 OF 2025

1. This Interim Application has been filed seeking restoration of the Writ Petition which was dismissed by Order dated 10.03.2022 passed by this Court (Coram : Nitin W. Sambre, J.) as the Applicants have not taken any steps to bring on record legal heirs of the deceased Respondent.
2. I have heard learned Counsel for the respective parties and the statement made in the Interim Application.
3. According to me, a case is made out to allow the Interim Application.
4. The Interim Application **stands allowed** in terms of **prayer clauses (b) & (c)**.
5. Amendment to be carried out within a period of four weeks from today.

INTERIM APPLICATION NO. 1599 OF 2025

1. This Interim Application has been filed to bring on record legal heirs of the sole Respondent.
2. Learned Counsel for the Applicants submits that there is a delay of 3 years and 70 days in filing this Application.
3. Heard learned Counsel for both the parties.

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. I am convinced that this Application requires to be allowed.
6. The Interim Application **stands allowed** in terms of **prayer clauses (b) & (c)**.
7. Amendment to be carried out within a period of four weeks from today.

(RAJESH S. PATIL, J.)