



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 358 OF 2023
IN
FIRST APPEAL NO. 1127 OF 2007

Jabina wd/o Israil Mansuri and Ors.
Vs.
Ashok s/o Shankarrao Mallelwar and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Anand R. Agrawal, Advocate for applicants.
Mr. Amit M. Kukday, Advocate for non-applicant No.4

CORAM : PRAVIN S. PATIL, J.

DATE : 07.11.2025

This application is filed by the legal heirs of
original claimant/appellant in the disposed of appeal.

2. It is the submission of the present applicants
that they are the only surviving legal heirs of the appellant.

3. According to them, during the life time of the
appellant, they were not aware about the pendency of the
present appeal. The document placed on record shows
that appellant has expired on 24.11.2014.

4. The present applicants, who are claiming to be
the legal heirs has placed on record the copies of Aadhar

card to demonstrate that they are the only legal heirs of deceased.

5. The learned counsel for the non-applicant No.4 rightly pointed out that in a disposed of appeal, it is somewhat difficult to ascertain, who are the legal heirs and therefore, condition may be imposed that in case other legal heirs approached before this Court then present applicants shall undertake that they will reimburse the entire amount along with interest to the Registry of this Court. On such condition, present application can be allowed.

6. In view of above, the application is allowed.

7. It is made clear that if any other legal heirs of the appellant – deceased approached to this Court, then the present applicants will have to return the entire amount to the Registry of this Court and for this purpose, they should file an undertaking at the time of withdrawal of the amount before this Court.

8. It is also made clear that in case the present applicants are required to file the execution proceedings, the present applicants will have to file undertaking of the same nature that they will return the entire amount, if other legal heirs came forward to claim as legal heirs of the appellant.

9. The applicants are permitted to be added as legal heirs of original appellant on record.
10. Amendment be carried out in the appeal as well as in the judgment within a period of one week.
11. The civil application is allowed and disposed of accordingly. No order as to costs.

(Pravin S. Patil, J.)