

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13509 OF 2012
IN
SECOND APPEAL NO.1238 OF 2005

SHANTABAI RAMRATAN SHRIVASTAV
AND OTHERS

APPLICANTS

VERSUS

SHANKAR JAIKISHAN WADGAONKAR
AND OTHERS

RESPONDENTS

Mr.P.P.Dawalkar, Advocate for the applicants.

Mr.L.V.Sangit h/f Mr.V.J.Dixit, Advocate for respondent Nos.2 to 5.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 17/04/2015

PER COURT :

1. The applicants have filed this application with reference to the passing away of applicant No.5 namely Kamalabai Chagan. It is submitted that the legal heirs of the deceased Kamalabai are already on record in the second appeal in the form of appellant Nos. 7 to 9. As such, it is submitted that this application is filed only to indicate that the legal heirs are already on record.

2. Delay of 2085 days is of a technical character and can therefore be condoned.

3. Mr.Sangit, learned Advocate on behalf of respondent Nos. 2 to 5 submits that the respondents have no objection in the light of the statement made by the applicants.

4. As such, this application is allowed and the delay is condoned. Appellant Nos.7 to 9 shall be treated as the legal heirs of deceased appellant No.5 Kamalabai.

(RAVINDRA V. GHUGE, J.)