

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

CIVIL APPLICATION NO.12623 OF 2013
IN
SECOND APPEAL NO.453 OF 1993

Vithal Bala Khalkar-died-
through L.Rs. Balasaheb s/o
Vithal Khalkar and ors.

..Applicants

Versus

Ashok s/o Rambhau Khalkar and ors.

..Respondents

Mr V.R. Dhorde, Advocate for applicants-appellants
Mr S.T. Shelke, Advocate for respondent No.1

CORAM : N.W. SAMBRE, J.

DATE : 10th June 2015

PER COURT

1. The appeal is already admitted. Present Civil Application is moved for bringing legal representatives of respondent No.2 on record, wherein there is delay of 19 years and 123 days.
2. The request for condonation of delay is objected by Mr Shelke, who appears for respondent No.1, as according to him, the delay is not properly explained.
3. Respondent No.1 claims to be son of respondent No.2. It was duty of respondent No.1 to intimate his Counsel about death of respondent No.2 – Rambhau. Be that as it may, fact remains that name of Hausabai is already mutated in the revenue record in relation to the suit property. In view thereof and for the reasons stated in the

application, delay caused in preferring present appeal is condoned. Appellants are permitted to carry out appropriate amendment by adding respondents No.2A and 3 as legal representatives of deceased respondent No.2.

4. The objection is raised by Mr Shelke that the status of respondent No.2-A should be gone into at the appropriate stage.

5. Civil Application stands disposed of in above terms.

(N.W. SAMBRE, J.)

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