

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 FIRST APPEAL NO. 425 OF 1999
WITH CA/2722/2016 IN FA/425/1999 WITH
CA/2721/2016 IN FA/425/1999

SAMBHAJI GANPATI LANGADE AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND ANOTHERS

...

Advocate for Appellants : Mr. M V Ghatge Adv For
appellant No.1.

Mr. RB Bagul, AGP for Respondents:

CORAM : P.R.BORA, J.

DATE : 1st April, 2016.

PER COURT :

1) CA No.2721/2016 is filed for condonation of delay of 1759 days', which has occasioned in filing an application for bringing the legal heirs of deceased appellant No.2 on record and for setting aside the abatement.

2) It is the contention of the applicants that they were not aware of the pending proceedings and as such they could not take timely steps. It is further contended that the

moment present applicants become aware of the fact that certain proceedings are pending, they approached their lawyer and filed the present application.

3) The learned AGP appearing for the respondents has strongly opposed for condoning the delay stating that the appeal has been filed by two appellants, who are real brotherhoods and in such circumstances, it is difficult to digest that the legal heirs of deceased appellant No.2 were not aware of the present proceedings. He, has, therefore prayed for rejection of the application.

4) I am however inclined to allow the present application for the reason that even otherwise, the appeal is alive and appellant No.1 is prosecuting the appeal. In such circumstances, if the legal heirs of appellant No.2 are brought on record, no prejudice is likely to be caused to the respondents. Hence,

the following order, -

ORDER

- a) Both the applications are allowed;
- b) The delay occasioned in filing the application stands condoned.
- c) Abatement as against appellant No.2 is set aside;
- d) Legal heirs of deceased Appellant No.2 be taken on record.

(P.R.BORA)
JUDGE

bdv/