

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

63 CIVIL APPLICATION NO. 16970 OF 2015
IN SA/96/2008 WITH CA/16971/2015 IN SA/96/2008 WITH
CA/5911/2016 IN SA/96/2008

BABASAHEB MUKUNDA GADADE
VERSUS
SAHEBRAO JIJARAM GADADE DIED LRS MANDUBAI & ORS.

...
Advocate for Applicant : S.S. Shinde h/f. Vivek Bhavthankar
Advocate for Respondents 2 & 4 : N.S. Shah h/f. S.V. Nathu
...

CORAM : T.V. NALAWADE, J.
DATED : 2nd May, 2016.

ORDER :

1. Civil Application No. 16970/2015 is filed for condonation of delay of 785 days caused in bringing legal heirs of respondent No. 1 on the record and also for permission to bring the legal heirs of respondent No. 1 on the record. Notice of the present proceeding is served on the legal heirs of respondent No. 1, but nobody has turned up. Learned counsel Shri. Shah is present for respondent Nos. 2 and 4. In view of the contents of the application and submissions made and as the information about the death of respondent No. 1 was not given, this Court holds that sufficient cause is shown. The application is allowed. Delay is condoned. Permission is granted to bring the legal heirs of deceased respondent No. 1 on the record.

2. Civil Application No. 16971/2015 is filed for condonation of delay of 758 days caused in bringing legal heirs of respondent No. 5 on the record and also for permission to bring the legal heirs of respondent No. 5 on the record. Notice of the present proceeding is served on the legal heirs of respondent No. 5, but nobody has turned up. Learned counsel Shri. Shah is present for respondent Nos. 2 and 4. In view of the contents of the application and submissions made and as the information about the death of respondent No. 5 was not given, this Court holds that sufficient cause is shown. The application is allowed. Delay is condoned. Permission is granted to bring the legal heirs of deceased respondent No. 1 on the record.

3. In Civil Application No. 5911/2016, it appears that the exact date of death of respondent No. 3 is not known and the Local Body did not give certificate by mentioning that the death was not recorded in its register. In view of this circumstance, the application is allowed. The delay, if any, caused in bringing the legal heirs of deceased respondent No. 3 is condoned. Permission is granted to bring the legal heirs of deceased respondent No. 3 on the record.

4. Abatement, if any, in respect of aforesaid

respondents is set aside. Amendment is to be carried out in appeal memo immediately.

5. Notice be issued to the aforesaid legal heirs of deceased respondents in appeal, made returnable on 19.7.2016.

[T.V. NALAWADE, J.]

ssc/