

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

923 CIVIL APPLICATION NO. 11586 OF 2005
IN FAST/17854/2005 WITH CA/3139/2007 IN FAST/17854/2005

KASHINATH VITHAL BHUSARE
VERSUS
SUMANBAI MOTIRAM PATIL & ANR

...
Advocate for Applicant : V B Garud

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CORAM : T.V. NALAWADE, J.
DATED : 27th January, 2016.

PER COURT :

1. One application is filed for permission to bring the legal heirs of deceased appellant on record and second application is filed for condoning the delay of 104 days caused in filing the appeal against the probate proceeding. The Trial Court has rejected the application filed for probate. Notices of both the applications are served on the respondents, but nobody has turned up for respondents.
2. In view of the contents of the applications and submissions made, both the applications are allowed. Delay is condoned. Amendment is to be carried out first in delay condonation application. Similar amendment is to be carried out in appeal memo and legal heirs are allowed to come on record of the original appellant, applicant.
3. Notice in appeal is to be sent by regular process and also by publishing notice as in the past, notices were required to be published against the respondents, made returnable on 7.6.2016. Call and proceeding.

[T.V. NALAWADE, J.]

ssc/