

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

939 CIVIL APPLICATION NO. 16374 OF 2015
IN SA/537/2012 WITH CA/9031/2012 IN SA/537/2012

BALASAHEB RAMKRISHNA GONDKAR DIED THR LRS
MANDAKINI BALASAHEB GONDKAR AND ORS
VERSUS
MURLIDHAR NARAYAN SONAWANE

Shri. Shivaji T. Shelke, Advocate, for applicants.

Shri. S.S. Kulkarni, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 22 JULY 2016

ORDER:

1) The application is filed for setting aside the abatement in respect of deceased respondent, for condonation of delay of 332 days and for allowing to bring legal representatives of the respondent on the record. Heard both the sides.

2) It appears that intimation of the death was given on 23-6-2014 and the application came to be filed on 6-7-2015. Learned counsel for the applicants submitted that in the intimation names of legal representatives were

not mentioned. On the other hand learned counsel for the respondent for the submits that in one other proceeding legal representatives of the same respondent were brought on the record and so it cannot be said that there was in information regarding the legal representatives of the deceased respondent. As in the present matter names of the legal representatives are not given this Court holds that sufficient cause is shown.

3) The application is allowed. Delay is condoned. Abatement is set aside. Permission is granted to bring legal representatives of the respondent on the record. Amendment to be carried out immediately in the appeal memo. Notice to the legal representatives. It is waived. List the appeal for admission purpose on 19th August 2016 in urgent category.

Sd/-
(T.V. NALAWADE, J.)

rsl