

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

CIVIL APPLICATION NO. 11187 OF 2012  
IN  
SECOND APPEAL [STAMP] NO. 11527 of 2012

Manohar Bhikaji Bhandarkar .. Applicant  
vs  
Shashikant Magan Bhandarkar,  
deceased, through his legal  
representatives :-

1A Lila Shashikant Bhandarkar and ors. .. Respondents

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Mr. Girish S. Rane, Advocate for applicants  
Mr. Subodh P. Shah, Advocate for respondents no. 2-D and 3-D

CORAM : SUNIL P. DESHMUKH, J.  
DATE : 16th September, 2016

ORDER :

1. Heard learned counsel Mr. Girish Rane for applicant and Mr. Subodh Shah, learned advocate for respondents no. 1-D and 3-D.

2. Learned advocate Mr. Rane points out that while legal heirs of deceased respondent no.1-B were sought to be brought on record before the first appellate court, some proceedings in the form of writ petition bearing no. 5648 of 2011 had been moved before this court. In said writ petition, legal heirs of respondent no.1-B were allowed to be brought on record and, in fact, notice had been waived on their behalf. The proceedings under said writ petition

were directed to be heard along with appeal. As such, there was no formal order allowing to bring the legal heirs of respondent no. 1-B on record. While filing second appeal, the applicants had included in the array of respondents, the legal heirs of respondent no. 1-B and it is thereafter, an objection has been raised by the office computing delay as shown in the objection by the office.

3. Mr. Rane further brings to the notice of this court that despite service of notice of civil application for condonation of delay, in response to objection by office, no appearance is caused on behalf of respondent no.1-B. Having regard to overall situation, he urges to allow the application as there is no resistance to the request under the application.

4. It appears that despite service, no appearance has been caused on behalf respondent no. 1-B. Since the reasons as are given in the application for condonation of delay have not been controverted, I deem it appropriate to grant the application.

5. As such, civil application stands allowed in terms of prayer clauses (A), (B), (C) and (D) and is disposed of.

SUNIL P. DESHMUKH,  
JUDGE

pnd