

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

**CIVIL APPLICATION NO. 4402 OF 2017
IN
WRIT PETITION NO. 582 OF 2014**

Kisan Kashinath @ Tukaram Purnale
(Died) Through L.Rs.
Chandrabhagabai Kisanrao Purnale and Others ..APPLICANTS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. Ajinkya Deshmukh, Advocate h/f Mr. A.V. Hon, Advocate for applicants.
Mr. N.T. Bhagat, A.G.P. for Respondent Nos. 1 to 3.
Mr. Cedric Fernandis, Advocate h/f Mr. N.K. Kakade, Advocate for Respondent No.4.

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st JULY, 2017**

ORDER :

1. The applicants pray for condonation of 212 days delay in filing the civil application for bringing the legal heirs of the Petitioner No.1 on record. The applicants are the legal heirs of the Petitioner No.1.
2. The Respondent No.4 who is a contesting party, has filed an affidavit in reply dated 15th June, 2017. It is stated that delay of 212 days is inordinate and reasons cited are not sufficient to condone the delay.

3. It is trite law that the legal heirs are to be brought on record within 90 days. The delay caused is of 212 days. Considering that if the delay is not condoned, these legal heirs will lose their right to protect their interest in the matter which involves an immovable property, this application is allowed.

4. The delay of 212 days is condoned by imposing costs of Rs.500/- which applicants state that they would deposit with the Advocate Association's Bar Library, Bombay High Court, Aurangabad Bench. The applicants shall be brought on record in the petition within three weeks from today and the costs to be deposited within two weeks.

(RAVINDRA V GHUGE, J.)

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