

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9066 OF 2016
IN
SECOND APPEAL NO. 91 OF 2012

Bandu Kishan Magre
died through LRs. and others .. APPLICANTS

Vs.

Narayan S/o Shivram Borde
died through LRs. and others .. RESPONDENTS

Mr. A.S. Barlota, Advocate for the applicants
Mr. G.G. Suryawanshi, Advocate for respondents no.1A to 1F
Mr. S.B. Deshpande, Advocate for respondent no.6

CORAM : SUNIL P. DESHMUKH, J.
DATE : 24-03-2017

ORDER :

1. Heard learned counsel for the parties.
2. The present application is seeking to place on record the legal heirs of deceased appellant no.1B, who is said to have been looking after the litigation. Since the other applicants were not in a position to locate the advocate, which took some time, and, after locating the advocate, as required by him, death certificate had been given to him, and, thereafter this application has been filed.
3. It is stated that delay has been caused in the aforesaid circumstances. The same is neither intentional nor deliberate.

4. Learned counsel for the respondents, however, purports to resist, submitting that in order to protract the litigation, deliberately delay has been caused and that proper procedure of intimation to the court has not been followed since the interim relief has been granted in favour of the applicants.

5. It is rather difficult to consider that how bringing legal heirs of deceased appellant no.1B on record in time, would have hampered interest of the applicants.

6. Taking into account the aforesaid, and, the resistance though being shown, there does not appear to be serious challenge to that the applicants took some time to locate the lawyer. In the circumstances, it would be expedient to grant the application. As such, the application stands granted, as prayed for, and, is disposed of.

7. Corresponding amendments shall take place, as early as possible.

[SUNIL P. DESHMUKH]
JUDGE

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