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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.15985 OF 2016
IN
SECOND APPEAL NO.1166 OF 2004

Syed Mustafa Syed Meer Jagirdar and Others APPLICANTS

VERSUS

Vasant Dattatraya Chandegave and Others RESPONDENTS

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Mrs. A. N. Ansari, Advocate for the applicants

Mr. S. D. Tawshikar, Advocate for respondent No.2

Mr. Sachin S. Deshmukh, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 20th JANUARY, 2017

ORDER :

1. Heard learned advocates for the parties.
2. There is delay of about 751 days in making application for brining legal heirs of deceased appellant No.2 on record.
3. Learned advocate for the applicants submits that applicants No.1 and 3 are daughters, who are married and are residing with their husbands at their respective addresses.
4. After lapse of some time after death of appellant No.2 the legal heirs became aware of the pending litigation and in the

circumstances the delay has been caused, which is neither intentional nor deliberate.

5. Learned advocates for the respondents purport to oppose the submissions, however, veracity of the contents is not being impeached by any material grounds.

6. Looking at the facts and circumstances, I deem it expedient to condone the delay, however, inconvenience, if any caused to the respondents in the process can be made good by imposing costs.

7. As such, the application is granted in terms of prayer clauses "B" and "C" subject to payment of costs of Rs.5000/- and is disposed of. Amount of costs be deposited in this court within a period of four weeks from today. In case of failure to deposit the amount of costs, within stipulated period this order would stand recalled without further reference to the court. Respondents to share the amount of costs equally.

[SUNIL P. DESHMUKH, J.]