

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 837 OF 2017
IN SA/553/2004

KALYANRAO EKNATHRAO DIVTE THRO. LRS ASARABAI AND
OTHERS
VERSUS
BHAGUBAI VINAYAKRAO PANCHAL THRO. LRS LATABAI AND
OTHERS

...
Advocate for Applicants : Mr. Patil Paresh B.
Advocate for Respondents : Mr. S.R. Andhale

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CORAM : V. K. JADHAV, J.
DATED : 22nd DECEMBER, 2017

PER COURT:-

1. Learned counsel for the applicants submits that the applicants got knowledge about death of respondent No.1 belatedly and as such the applicants could not file application for bringing legal heirs on record within prescribed period of limitation. The delay is not deliberate or intentional and has been occurred in the circumstances as detailed in the application.
2. Learned counsel appearing for the proposed L.Rs. of deceased respondent No.1 submits that the proposed L.Rs. have no objection if the application is allowed.
3. In view of above and for the reasons stated in the application,

application is allowed in terms of prayer clauses "B" and "C".

4. Learned counsel for the applicants submits that after filing this civil application, proposed L.R. 1-F also died and other other L.Rs. are already on record. In view of above, the applicants are permitted to delete the name of respondent No. 1-F as proposed L.Rs. (respondent No.3 in the second appeal).

(V. K. JADHAV, J.)

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