

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (O) NOS.28 OF 2012 AND 29 OF 2012
IN
MISC. CIVIL APPLICATION ST. NO.8969 OF 2005
IN
SECOND APPEAL NO.103 OF 1990

SHITAL SUBHASH BANTE AND OTHERS
VS
YOGESHWAR S/O MAROTI BANTE AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. P. Bhandarkar, Advocate for the appellants.
Shri V. R. Choudhari, Advocate for the respondent nos.3, 4(A to F) 5.

CORAM : A.S. CHANDURKAR, J.
DATED : AUGUST 01, 2017.

By these applications, it is prayed that the applicants be permitted to be brought on record as applicant Nos.8 to 11. It is stated that the applicants are the legal heirs of Dnyaneshwar Bante. Said Dnyaneshwar expired on 16-5-2008. The names of the present applicants could not be brought on record on account of inadvertent mistake of the Counsel.

The applications are opposed by the learned Counsel for the non-applicants on the ground that the delay caused is not sufficiently explained. He has relied upon decision in *Vithhal Dhondiba Chawan vs Madhavrao alias Mahadev Tukaram Chavan & Ors* 2009 (5) Bom. C. R. 29.

The proceedings arise out of suit for partition and

separate possession. The legal heirs of Mahadeo Bante are already brought on record. Considering the nature of proceedings, I find that it would be appropriate to allow the present application after condoning the delay. After considering the decision relied upon by the learned Counsel for the non-applicant, I am satisfied that the delay has not been deliberately caused. Hence, both the applications are allowed. The cause title of the proceedings be amended within a period of one week.

The civil applications are allowed.

JUDGE

/MULEY/