

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

**CIVIL APPLICATION NO.2132 OF 2018
IN
LETTER PATENT APPEAL NO.22 OF 2008
WITH
CIVIL APPLICATION STAMP NO.5576 OF 2018
IN
LETTER PATENT APPEAL NO.23 OF 2008**

**MADANBAI KISHANLAL LODHA & ORS
VERSUS
BHANUDAS RANGA INGALE & ORS**

Mr. R.L. Kute, Advocate for the applicants
Ms. S.V.Salunke, Advocate h/f Mr. V.D.Salunke, Advocate for respondents No.
1A to 1E.
Mr. S.N.Kendre, AGP for the respondent/State.

**CORAM : SUNIL P. DESHMUKH
S.M.GAVHANE,JJ.**

DATED : 12.12.2018

P.C. :-

1. Heard learned counsel for the applicants. The application has been moved for bringing on record legal representatives of deceased appellant No.2, namely, Kishanlal s/o Fatechand Lodha. The appeal had been filed in 2008 and has been admitted. It had been given to understand that it would take long time for the appeal to come up for final hearing. It was difficult for the applicants to give unremitting attention over long period of the proceedings. While the matter came up on board on 10.01.2018 it was adjourned to 22.01.2018. Accordingly Advocate had informed the appellants about the next date in the matter. Thereupon, applicants informed to the Advocate that appellant No.2 is no more and this application has been moved accordingly.

2. Legal heirs of deceased appellant No.2 were not aware of pending proceedings. It is submitted that delay in making application is neither

intentional nor any particular benefit has been derived by causing delay.

3. Learned counsel for the respondents submits that there is huge delay and the reason given is rather causal and, as such, it is purportedly resisted.

4. Although learned counsel for the respondents proposes to oppose the application, veracity of the contents in application in Paragraph No.3 has not been challenged.

5. Having regard to aforesaid and to that applications for condonation of delay are to be construed liberally, the civil application is allowed in terms of prayer clauses 'A' and 'B', subject to payment of costs of Rs.5,000/- (Rs. Five thousand) to be paid to respondents No.1A to 1E. Costs be deposited in this Court within a period of six weeks from today.

6. Accordingly amendment be carried out in the cause title of memorandum of Letters Patent Appeal bringing on record appellants No.2A to 2F as legal representatives of deceased appellant No.2.

7. Prayer clauses referring to applicants No.2A and 2B stand corrected as 2A to 2F.

8. The civil application is disposed of.

[S.M.GAVHANE,J.]

[SUNIL P. DESHMUKH,J.]