

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

CIVIL APPLICATION NO.10731 OF 2018 IN
SECOND APPEAL NO.151 OF 2013

Shamsunder Nagnathrao Sidhanti,
Died through L.Rs.
Sow. Karuna w/o Shamsunder Sidhanti ...APPLICANTS

VERSUS

Bhaskarrao s/o Nagnathrao Sidhanti ...RESPONDENT

.....
Shri Arvind Deshmukh, Advocate for applicant
Shri S.S. Gangakhedkar, Advocate for respondent
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CORAM: A.M. DHAVALÉ, J.

DATED : 29th October, 2018.

ORAL ORDER :

1. The sole appellant died on 17.4.2017. His legal heirs filed this application for impleadment with condonation of delay exactly one year after his death.

2. Heard learned Advocates. The limitation for bringing the legal representatives on record should be respected particularly when the death of the sole appellant attains finality to the lis. Mere ground that delay was unintentional is not

enough to overlook the statutory period of limitation prescribed. The appeal has been filed in 2013 and was in suspended animation. It seems that, the legal heirs could not intimate the Advocate or may not be aware for insisting to bring themselves on record. Considering the facts and for the reasons, application is allowed and delay stands condoned subject to costs of Rs.2000/- (Rupees two thousand) payable to the legal heirs of respondent.

(A.M. DHAVALÉ)
JUDGE

fmp/