

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

**917 CIVIL APPLICATION NO.9490 OF 2018
IN
SECOND APPEAL NO.247 OF 2005**

VISHWANATH MADHAV DOMKONDWAR DEAD LRS
CHANDAKALABAI VISHWANATH DAMKONDWAR ..Applicant
VERSUS
VITHAL RAMJI KOLHE & OTHERS ..Respondents

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Shri M.G. Kasturkar, Advocate, h/f. Mrs. M.A. Kulkarni,
Advocate for the Applicant
Shri Rajendra S. Deshmukh, Advocate for Respondent No.1

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CORAM : P.R. BORA, J.
Dated: July 25, 2018

PER COURT :-

1. This is an application for bringing legal heirs of deceased appellant on record. Since some delay has caused in filing the application, the said delay is also sought to be condoned in the present application itself. The delay caused is of 378 days.

2. It has to be noted that, Civil Application No.9489 of 2018 has already been filed by the present respondent praying for passing an order declaring that the appeal stands abated. However, in view of the present application filed and having regard to the further fact that some explanation is given for not

filing the present application within the stipulated period of limitation, I am inclined to allow the present application. Hence, the following order.

ORDER

- (i) Civil Application No.9490 of 2018 is allowed.
- (ii) The legal heirs of deceased appellant be taken on record as are mentioned in the application. The necessary amendment be carried out within one week. The delay caused in filing the application is condoned. Abatement, if any, stands set aside.

(P.R. BORA, J.)