

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

CIVIL APPLICATION NO.10732 OF 2018 IN
SECOND APPEAL NO.151 OF 2013

Bhaskarrao s/o Nagnathrao Sidhanti ,
Died through L.Rs.
Sanjay s/o Bhaskarrao Sidhanti & ors. ...APPLICANTS

VERSUS

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

.....
Shri S.S. Gangakhedkar, Advocate for applicants
Shri Arvind Deshmukh, Advocate for respondents
.....

CORAM: A.M. DHAVALÉ, J.

DATED : 29th October, 2018.

ORAL ORDER :

1. Learned Advocate for the applicants seeks leave to delete respondents No.2 and 3 of this Application. They are one and the same and the said daughter is given in adoption. Hence, the liberty is granted.

2. The sole respondent died on 27.3.2018. The application to bring the legal heirs on record is filed on 23.7.2018 i.e. one month after the period of limitation. The death of sole

respondent was intimated on 27.3.2018. The legal heirs claimed that they required time to collect the death certificate and names of legal heirs. Since the appellant himself was dead and his application for bringing legal representatives on record was pending, Civil Application is allowed in terms of prayer clause (C). The delay is condoned. Abatement, if any, is set aside. Legal heirs of respondent be brought on record within one week.

3. By consent of parties, the matter is referred for mediation.

4. S.O. to 15th January 2019.

(A.M. DHAVALA)
JUDGE

fmp/