

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

**CIVIL APPLICATION NO. 11677 OF 2016
IN
SECOND APPEAL NO. 721 OF 2004**

Pandhari S/o. Ramaji Lavare (through LRS')
Sau. Janabai W/o. Nivurti Kedar & Ors. ... Applicants

VERSUS

Dadarao S/o. Shripatrao Lavare (through LRS')
Prakash S/o. Dadarao Lavare & Ors. ... Respondents

.....

Mr Sanjay V. Mundhe, Advocate for the applicants
Mrs Kasturkar h/f Mr M. A. Kulkarni, Advocate for the respondents
No. 1A, 1C, 1E & ab-1 to 1B-7

.....

**CORAM : A. M. DHAVAL, J.
DATE : 21ST NOVEMBER, 2018.**

PER COURT :-

. Heard Mr Sanjay Mundhe, learned counsel for the applicants. Respondent No. 1/B Kundlik has died on 10.03.2011. the appellants claim that they were not aware of the death and they learnt about it only when the learned counsel for respondent No. 1 filed pursis on 16.02.2016. Thereafter, they required sometime to collect information regarding the legal heirs and this application filed on 31.07.2016. The proposed legal heirs have not filed any reply.

2. Lack of knowledge about the death is a sufficient cause and the justice cannot be denied to the appellant on that ground. Hence, the delay in filing the present application is condoned. Abatement, if any, stands set aside and the permission is granted to bring legal heirs of respondent No. 1-B on record within one week.

3. Civil Application stands disposed of.

[A. M. DHAVAL]
JUDGE

Punde