

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

**944 CIVIL APPLICATION NO. 15982 OF 2016
IN SAST/11772/2016**

BALIRAM DAMU PATIL AND OTHERS
VERSUS
SHRIDHAR EKA PATIL (DECEASED) THR.LRS.SUBHASH AND
OTHERS

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Advocate for Applicants : Shri Mobin Shaikh h/f.
Shri V.R.Dhorde

AGP for Respondents – State : Shri A.D.Namde
Advocate for Respondent Nos.1A to 1H :
Shri M.M.Bhokarikar

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CORAM : P.R. BORA, J.
Date: July 24, 2018

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PER COURT :-

1 Heard learned Counsel for the applicants and learned Counsel appearing for the proposed legal heirs of respondent No.1.

2 Delay of 297 days has occurred in filing the application for taking on record the legal heirs of deceased respondent No.1.

3 Though, learned Counsel for the said proposed legal heirs of respondent No.1 has opposed for accepting the request stating that the reasons as are assigned for occurrence of delay are not sufficient to condone the delay, on perusal of

record, it is revealed that the delay has been sufficiently explained. Moreover, it appears to me that the matter is to be decided on merits. Delay is not of a huge period and as such, I am inclined to allow the application. Hence, the following order is passed:-

ORDER

- I) The application is allowed.
- II) Delay caused in filing the application is condoned.
- III) The legal heirs of deceased respondent No.1 be taken on record.
- IV) Necessary amendment be carried out within two weeks.
- V) Abatement if any, stands set aside.
- VI) Application is disposed of.

(P . R . BORA)
JUDGE