

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

**CIVIL APPLICATION NO. 15456 of 2017 IN
WRIT PETITION NO. 9518 of 2017**

Asha W/o Sunil Sonawane

...Applicant

VERSUS

Smt. Mukta W/o Sharad Hase and others

...Respondents

Mr R.D. Bhalerao, Advocate for applicant.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 28th September, 2018

ORDER :

1. This is an application for condonation of delay in bringing legal representatives of deceased respondent No.5, who died on 4th June, 2013. It is the case of applicant that while notice of writ petition to said respondent had been returned unserved with the report that he is no more, application has been moved immediately thereafter. Little time had been consumed in collecting requisite information and in filing application. Delay has occurred under said circumstance. He, therefore, requests to condone delay, pointing out that there is no intention or deliberation in causing delay in filing application and it has occurred under the circumstances referred to above.

2. Notice of this civil application had been issued to proposed legal heirs of deceased respondent No.5. Notices are

stated to have been duly served on them. On last occasion, while the matter had been before this court, no appearance had been caused on their behalf and matter had been adjourned observing that in case of absence on behalf of respondents on the next date, matter would be proceeded with.

3. Today as well when the matter is called out, no appearance has been caused on behalf of respondents. Conduct of respondents in the circumstances gives indication that they have no particular resistance to offer in present application.

4. In the circumstances, while averments and submissions are not controverted, it would be expedient to allow application. Civil application is accordingly allowed in terms of prayer clause "B". Delay is condoned. Legal representatives of deceased respondent No.5, as shown in application, be brought on record of the writ petition.

5. Notice of the writ petition be issued to said legal representatives, returnable on 26th November, 2018.

6. Application is accordingly disposed of.

(**SUNIL P. DESHMUKH**)
JUDGE.