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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1166 OF 2018
IN
SECOND APPEAL NO. 563 OF 2003**

Vijaykumar Manikchand Shah
since deceased through legal heirs .. Applicants
Vs.
Kankoji Bapurao Deshmukh & Ors. .. Respondents

Mr. Rupesh K. Bobade for the Applicants.
Mr. Anand Patil for the Respondents.

CORAM : V. K. JADHAV, J.
DATE : 11th DECEMBER, 2018.

P. C.

1. Learned Counsel for the Applicants submits that Applicant No.1 Vijaykumar Manikchand Shah/original Defendant No.1 died during the pendency of this Appeal on 12.08.2016. The learned Counsel submits that the Applicants are Agriculturists by occupation and they were not knowing as to what procedure is required to be followed to bring on record the LR's of Applicant No.1. The Applicants are also remained under the impression that the matter is pending and the same will come for final hearing in due course. Thus, the delay of 1 year and 261 days in filing the present Application has been caused. The learned Counsel submits that the delay is not deliberate one and the Applicants were prevented from sufficient cause in filing the application for bringing the LR's on record.

2. The learned Counsel for the Respondents-original Plaintiffs, on instructions, submits that the Respondents-Plaintiffs have no objection to bring the LR's of Applicant No.1-original Defendant No.1 on record though belatedly.
3. In view of the above and for the reasons stated in the Application, the Application is allowed in terms of prayer Clauses (b), (c) and (d).
4. The Civil Application is, accordingly, disposed of.

[V. K. JADHAV, J.]