

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

**CIVIL APPLICATION NO.2002 OF 2019  
IN  
SECOND APPEAL NO. 1324 OF 2005**

...

GYANA DHARU KAMBLE

DIED BY L.RS.

1A. SURYAKANT GYANA KAMBLE & OTHERS  
VERSUS

SARJERAO BHAU KHODEVE

...

Advocate for the applicants : Mr.Sharad  
Shinde, Advocate holding for Mr.Vivek  
Bhavthankar

...

**CORAM : V.L.ACHLIYA,J.**

**DATE : 16.07.2019**

**PER COURT:**

1] This Application is taken out to bring the legal heirs of deceased appellant no.1 – Gyana Dharu Kamble on record for the reason set out in detail in the Application.

2] Heard learned counsel for the applicants.

3] In brief, it is the contention of the learned counsel for the applicants that the appeal was admitted in the year 2005.

Since thereafter the appeal was not on board. After respondents moved an application to list the Appeal for hearing, the Advocate representing the applicants sent a letter addressed to the deceased applicant no.1 – Gyana seeking instructions in the matter. On receipt of the letter, Suryakant, elder son of Gyana, visited the Advocate and informed about death of Gyana. He informed that Gyana died on 24.09.2013. Thereafter, the present Application is filed. In the process, delay of 1850 days has been caused in filing the present Application.

4] On due consideration of the cause assigned for condonation of delay and cause of action survives to prosecute the Appeal, I am inclined to allow the Application. Accordingly, the Application is allowed in terms of prayer clauses 'A' and 'B'.

5]            Necessary amendment to be carried  
out within two weeks from the date of order.

**[ V . L . ACHLIYA ]**  
**JUDGE**

DDC