

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

926 CIVIL APPLICATION NO.4160 OF 2019
IN SECOND APPEAL NO.700 OF 2003

GARIB NAWAZ CO-OPERATIVE HOUSING SOCIETY
THROUGH ITS VICE CHAIRMAN MOHAMMAD
VERSUS
GAJMAL NARAYAN MALI DECEASED
THROUGH LRS RAMA AND OTHERS

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Advocate for Applicant : Mr.A.P.Bhandari
Advocate for Respondent nos.1A to 1D :
Mr.Mangesh M. Jadhav, Advocate holding for
Mr.S.P.Shah

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CORAM : V.L.ACHLIYA, J.
DATE : 13.09.2019

PER COURT:

1] This Application is filed seeking permission to bring legal heirs of deceased respondent on record for the reasons set out in the Application.

2] In brief, it is the contention of the learned counsel for the applicant that after admission of the appeal and cross objections/appeal, the matters were not on board. During the course of pendency of the Appeal, respondent expired on 28.02.2017. On receipt of knowledge as to the death of respondent, the present application is taken

out. In the process, there was 618 days delay in filing the present application.

3] Learned counsel for the respondents i.e. proposed legal heirs of respondent submits that the respondents have no objection to allow the application and to substitute the names of respondent Nos.1A to 1D on record and further to permit the respondents to bring their names on record in the cross objection.

4] On due consideration of the submissions made, the application is allowed in terms of prayer clauses 'B' and 'C'.

5] Liberty is granted to the respondents to carry out substitution in the cross objections / appeal. Necessary substitution be carried out within three weeks from the date of this order.

6] Civil Application is disposed of accordingly.

[V.L.ACHLIYA]
JUDGE