

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

**CIVIL APPLICATION NO.2984 OF 2014
IN SA/215/1996**

SUYOG COOPERATIVE HOUSING SOCIETY LTD.
VERSUS
CHHAGAN POPAT GAWALI LRS BHARATIBAI AND
OTHERS

...

Mr.S.P. Shah, Advocate for applicant.
Mr.M.S. Kulkarni, Advocate for Respondent
Nos.2A to 2D.

...

CORAM: V.L. ACHLIYA,J.
DATE : 27.06.2019

ORAL ORDER:

This application is taken up to bring the heirs of deceased Respondent Nos.1 and 2 on record with condonation of caused delay caused in filing the application.

2. In brief, it is the contention of learned counsel for the applicants that the delay caused in filing the application occurred due to the reason the applicant was not aware as to death of Respondent Nos.1 and 2. Since the year 2013, the Administrator was appointed to look after the affairs of the applicant society. After the elections are

held and Managing Committee got elected and taken charge the steps are taken and present application came to be filed.

3. Mr. M.S. Kulkarni, learned counsel for the respondents proposed heirs of deceased Respondent Nos.1 and 2, opposed the application with contention that no sufficient cause has been shown to condone the delay and reasons assigned are false and concocted.

4. Considering the submissions advanced in the light of reasons assigned to condone the delay, which remains uncontraverted and unchallenged, I am of the view that the delay deserves to be condoned and the application be allowed. The delay occurred in filing application appears to be not deliberate. Appeal was admitted and pending since the year 2016. During the pendency of appeal, the Respondent Nos.1 and 2 had died. In that view the application deserves to be allowed. Accordingly, the application is allowed in terms of prayer clauses "A", "B", "C" and "D". Necessary amendment/substitution be carried out within two weeks from today and

the amended copy of the memo of Appeal be furnished to learned counsel representing the Respondents.

5. Civil Application is disposed of in the above terms.

[V.L. ACHLIYA]
JUDGE

SGA