

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

**CIVIL APPLICATION NO.4516 OF 2019
IN
SECOND APPEAL NO.1319 OF 2005**

...
ANKUSH GYANA KAMBLE & OTHERS
VERSUS
BHAU BALA KHODVE & OTHERS
...

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.3 – Tulsabai Gyana 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. When they received letter from the Advocate seeking instructions, they approached Advocate and reported as to the death of the father Gyana as well as mother Tulsabai. As per the instructions, the applicants collected death certificates of Gyana and Tulsabai and presented the Application for bringing L.Rs. of the appellants – Gyana and Tulsabai by setting aside the abatement with condonation of delay to substitute their names as legal heirs of the deceased appellants in respective appeals.

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