

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

**CIVIL APPLICATION NO.4515 OF 2019
IN
SECOND APPEAL NO.1318 OF 2005**

...

TULSABAI GYANA KAMBLE

DIED BY L.RS.

1A. GANGASAGAR KESHAV GHOBLE & OTHERS
VERSUS

SARJERAO BHAU KHODEVE & ANOHER

...

Advocate for the applicant : 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 – 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. 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 husband of the deceased appellant no.1 – Tulsabai seeking instructions in the matter. On receipt of the letter, Suryakant, elder son of Gyana, visited the Advocate and informed about death of Tulsabai. He informed that Tulsabai expired on 25.09.2017. Thereafter, the present Application is filed. In the process, delay of 443 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