

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

903 CIVIL APPLICATION NO.14259 OF 2018
IN SAST/9590/2015

JANKIRAM BABURAO PATIL
VERSUS
PANDURANG RAJARAM PATIL AND OTHERS

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Advocate for Applicant : Mr.M.M.Bhokarikar

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CORAM : V.L.ACHLIYA, J.

DATE : 04.10.2019

PER COURT:

1] This Application is filed to bring the legal heirs of deceased respondent no.3 on record for the reasons set out in detail in the application with condonation of delay.

2] Heard learned counsel for the applicant. None appears for the respondents including the legal heirs of deceased respondent no.3 though notices were served.

3] Learned counsel for the applicant submits that respondent no.3 died after the judgment and decree passed by the First Appellate Court. At the time of filing of the present Appeal, the applicant was unaware as to the death of the respondent no.3. Pursuant to the report received in respect of death of respondent no.3, the applicant has taken out

this Application to bring the legal heirs of deceased respondent no.3 on record. In the process, there was delay of 857 days in filing Appeal.

4] On due consideration of the submissions in the light of the facts stated in the application and cause survives to prosecute the Appeal, I am of the view that the Application deserves to be allowed. Appeal yet to be admitted. Delay has been properly explained. I am therefore inclined to allow the present Application. Accordingly, the Application is allowed in terms of prayer clauses 'b' and 'c'.

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

6] Civil Application stands disposed of in above terms.

7] List the Application seeking condonation of delay in Appeal on 8th November, 2019.

[V . L . ACHLIYA]
JUDGE