

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

6 CIVIL APPLICATION NO.10309 OF 2018  
IN SA/313/2006

BALWANT LAXMAN DUDHAT THRO. POA- SUNIL BALWANT DUDHAT  
VERSUS  
NAMDEORAO BABURAO BHOS AND ANOTHER

...  
Advocate for Applicant : Mr. Kulkarni Sanket S. & S.D. Kulkarni  
Advocate for Respondent No.2 : Mr. P. G. Godhamgaonkar.  
Advocate for respondent No. 1/A : Mr. A. P. Bhandari  
...

**CORAM : SMT.VIBHA KANKANWADI, J.**  
**DATE : 04-01-2019.**

PER COURT :

1. Present application has been filed to bring the legal representatives of respondent No.2 on record.
2. Heard Mr. S. S. Kulkarni, learned advocate appearing on behalf of applicant, Mr. P. G. Gondhamgaonkar, learned advocate appearing on behalf of respondent No.2, and Mr. A. P. Bhandari, learned advocate appearing on behalf of respondent No.1/A.
3. It has been contended by the advocate for applicant that, the fact of death of respondent No.2 was never intimated by the advocate representing respondent No.2. The applicant came to know about the fact of death of respondent No.2 only when the appellant expired and his legal representatives were to be brought

on record. Practically there is no delay, however if it is there, he prays for condonation of the same.

4. The respondent No.2 expired on 04-12-2010. The second appeal has been admitted on 20-02-2007. It is the specific contention that the fact of death of respondent No.2 was never informed by the advocate representing him. Therefore, taking into consideration this fact, the delay deserves to be condoned. Hence application is hereby allowed. The legal representatives of respondent No.2 be brought on record within two weeks. List the matter on 18-01-2019.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

*vjg/-.*