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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

947 CIVIL APPLICATION NO.6458 OF 2019
IN FA/966/2005

BALU @ BALASAHEB (SANTOSH) VITHALRAO PATANGE AND OTHERS
VERSUS
DR.UTTAM GANPATRAO PENSALWAR (DIED) THROUGH L.RS. SHYAM
AND OTHERS

...

Advocate for Applicants : Smt.Reddy Ranjana D.

CORAM: V.L. ACHLIYA, J.

DATE: 30.08.2019

PER COURT :

1] The applicants have moved this application for bringing L.Rs. of deceased respondent no.1 on record with condonation of delay in filing the application for the reasons set out in detail in the application.

2] The L.Rs. of deceased respondent no.1 i.e. 1A to 1C are reported to have refused to accept the notice.

3] In brief, it is the contention of learned counsel for the applicants / appellants that the appeal was filed in the year 2005. It was admitted on 19.11.2009. Thereafter, the matter was not listed. On 1.3.2019, the matter was listed before the Court seeking direction in

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the matter for listing of the appeal for final hearing. On 19.4.2019, Advocate representing the respondent no.1 reported as to the death of respondent no.1 on 4.4.2019. Immediately thereafter the applicants have taken steps to bring the L.Rs. of deceased respondent no.1 on record. In the process, there occurred delay of 2161 days.

4] In the background of overall facts of the case and the fact that after admission of the appeal, the matter was not on Board, delay caused in filing the application deserves to be condoned.

5] Accordingly, the application is allowed in terms of prayer clauses [B] and [C]. Necessary amendment / substitution be carried out within two weeks. After carrying out amendment, notice of appeal be issued to respondent nos.1A to 1C returnable on 18.10.2019.

6] Civil application is disposed of in above terms.

(V.L. ACHLIYA, J.)