

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

904 CIVIL APPLICATION NO.7734 OF 2017
IN SA/256/1989

SHAHJIRAO BHAVANRAO PAWAR LRS SUNDARABAI(DECEASED) AND
OTHERS
VERSUS
SHANKAR LIMBAJI WADKAR(DECEASED) AND OTHERS

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Mr. M.N. Navandar, Advocate for the applicants

Mr. R.P. Bhumkar, Advocate for the respondent Nos.3-1(A), 3(2) to 3(4)

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th FEBRUARY, 2019

PER COURT :

1 Heard learned Advocate appearing for the applicants. Present application has been filed for bringing the legal representatives of respondent No.5 on record. Respondent No.5 expired on 16.05.2015. There is delay of about 668 days in bringing the legal representatives on record. In fact, in the application no reason has been given for condoning the delay, however, only prayer is made. Orally it is submitted that the Second Appeal was filed in the year 1989 and since then it is pending. The parties are from remote place and therefore could not communicate the fact of death of respondent No.5 and therefore the delay has been caused.

2 It is to be noted that though proposed legal representatives were served, they have not remained present. Notice as regards respondent No.5/1 has been returned unserved as she has expired, however, respondent No.5/2 to 5/5 are her legal representatives. Under such circumstance, when there is no challenge to the application it deserves to be allowed. Hence, the delay caused in bringing the legal representatives of respondent No.5 on record is hereby condoned. Necessary amendment be carried out within 14 days.

(Smt. Vibha Kankanwadi, J.)

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