

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

**929 CIVIL APPLICATION NO.7892 OF 2017
IN SA/619/2013 WITH CA/10865/2013 IN
SA/619/2013**

**ASHOK MANIKRAO KHOPADE
VERSUS
SADASHIV KONDIBA MANGIDKAR AND OTHERS**

...

Mr.M.S. Kulkarni, Advocate for the applicant.
Mr.Khan Abdul Hakeem holding for Mr.L.V.
Sangit, Advocate for respondent Nos.1 and 2.

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**CORAM: V.L. ACHLIYA,J.
DATE : 06.09.2019**

ORAL ORDER:

The application is taken out to bring the legal heirs of deceased respondent no.2 on record for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant and learned counsel representing the proposed legal heirs of deceased respondent no.2.

3. On due consideration of the submissions advanced, I am of the view that the delay in filing the application deserves to be condoned, as the delay was not

deliberate and the same has been sufficiently explained on the part of the applicant. The cause of action survives to prosecute the appeal against respondent no.2. In that view, the application filed for bringing the legal heirs of deceased respondent no.2 on record deserves to be allowed. Accordingly, the application is allowed in terms of prayer clause "A". Necessary amendment/substitution be carried out within two weeks from today. After carrying out necessary amendment/substitution, the copy of memo of appeal be supplied to other side.

4. List the appeal for admission on 15th October, 2019.

[V.L. ACHLIYA]
JUDGE

SGA