

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

**1057 CIVIL APPLICATION NO.8253 OF 2019
IN FA/1043/2014**

**SHAIKH HIRAJI SHAIKH KADARI TAMBOLI (DIED) THR LRS HABIBABI
AND ORS
VERSUS
THE STATE OF MAHARASHTRA AD ORS**

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Advocate for Applicants : Ms. Rakh Asha D. And Mr. Nilesh Vhad
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent No.3 : Mr. B.R. Surwase

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19th JULY 2019

ORDER :

. Present application has been filed by original respondent No.3 to bring them on record. The learned Reference Court has pronounced its award on 18.09.2009. It appears that thereafter, respondent No.3 i.e. original claimant expired on 22.01.2011. The First Appeal was filed with delay condonation application. It appears that the delay has been condoned. Under such circumstance, the application deserves to be allowed. Another fact is to be noted that there was no intimation by the respondents informing appellant that the respondent No.3 is dead. Under such circumstance, there was no compliance of order 22 Rule 10A. Hence, that is also a ground to condone the delay. Accordingly, the delay stands condoned.

2. Civil Application is allowed. Legal heirs of respondent No.3 be brought on record.
3. Appellant to carry out the said amendment within one week.

(Smt. Vibha Kankanwadi, J.)

Shubham/