

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO.10715 OF 2019
IN SA/110/2017

YAKUB KADARBHAI PATHAN DIED ROSHANBI AND ORS
VERSUS
NASIR KADAR PATHAN DIED KULSUM AND ORS

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Advocate for Appellants : Mr. Ambetkar Arvind G.
Advocate for Respondents No.1-A to 1D and 2 to 7: Mr. P. R. Nangare.

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 03-10-2019.

PER COURT :

1. Present application has been filed for getting delay of one day condoned in bringing legal representative of respondent No.4 on record.
2. Respondent No.4 expired on 09-04-2019 and he was survived by two heirs, however vide pursis dated 30-09-2019, it has been informed along with the photocopy of the death extract that, the proposed legal representative No.4A has already expired on 15-01-2016, therefore, only 4B is surviving.
3. Reasonable ground has been shown for the delay. Under such circumstance, delay stands condoned. Respondent No.4B who is the only legal representative left by respondent No.4, is allowed to be brought on record. Original respondent No.4 was defendant No.2 in the suit and the

said suit was for partition, possession and perpetual injunction, and therefore, the right to sue survives as against respondent No.4B.

4. The necessary amendment for bringing respondent No.4B on record, be carried out by the appellant within a period of 14 days.

5. Learned advocate appearing for respondents No.4A to 4D, 2, 3, 5 to 7 waives notice for respondent No.4B. He is filing his Vakalatnama for respondent No.4B. Office to accept the same.

6. Place the matter for further consideration on 17-10-2019.

7. Interim relief, if any granted earlier, to continue till then.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.