

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

**1042 CIVIL APPLICATION NO.10280 OF 2019
IN FAST/12519/2018**

**LAXMAN TUKARAM VATHKAR (DID) THR LRS DATTA
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

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Advocate for Applicant : Ms. L.R. Thakur h/f Mr. Patil Laxmikant C.

AGP for Respondents/State : Mr. A.M. Phule

Advocate for Respondent No.3 : Mr. S.C. Arora

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for getting the delay of 495 days condoned in bringing the legal representatives of original claimant on record. The said application has been filed by the legal representative himself. Original claimant expired on 18.12.2017 i.e. after the judgment and award passed by the learned reference Court on 09.11.2014. The tenor of the application says that he is the only legal representative left by the deceased and since the right to sue survives against him, the application deserves to be allowed and the fact that the proposed applicant would be the respondent, who himself has come before the Court, there is

no question of delay. However, delay if any, stands condoned.

2. Civil Application stands allowed.
3. The applicant be brought on record as legal heir of original claimant.
4. Appellant to carry out the said amendment within 14 days from today.

(SMT. VIBHA KANKANWADI, J.)

SCM