

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 222 OF 2018
IN SECOND APPEAL NO. 635 OF 2013**

Madhukar Banderao Joshi (Died through Lrs) ...Appellants

Versus

Bhaskar Venkatrao Joshi & Ors. ...Respondents

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Mr. P. S. Paranjape, Advocate H/F Mr. R. J. Godbole, Advocate
for Appellants.

Mr. S. M. Gunjal, Advocate H/F Mr. J. C. Badve, Advocate for
Respondents No. 1 to 4.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17-01-2019.

ORAL ORDER :

01. Heard both the sides. Deceased respondent No. 1 expired on 13.1.2017. He is survived by respondents No. 3 and 4. However, the married daughter was not party to the proceeding and also his widow and two sons were party i.e. respondents No. 2 to 4. Only married daughter was not party to the proceeding and therefore, the present application has been filed to bring her on record. However, there is stated to be the delay of 105 days. It is stated that it was not unintentional. It took time to get proper information for the appellant to bring her on record.

02. The application has been objected on the ground

that the delay of each and every day has not been explained.

03. Taking into consideration the fact that the majority of the LRs were already on record, only the married daughter was remained to be added and since the right to sue survives against the respondent, the legal representative is necessary party. It is stated that the fact about married daughter still remained to be added as a party was inadvertently not given to the Advocate by the appellant. Under such circumstance, good ground is shown to condone the delay.

04. Hence, following order;

ORDER

(i) Application is hereby allowed.

(ii) The delay caused in bringing the married daughter of deceased respondent No. 1 as party and to add her as respondent No. 1A is hereby allowed.

(iii) Necessary amendment be carried out within 15 days.

(iv) Place the matter for admission on 7.2.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-