

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

**CIVIL APPLICATION NO.12930 OF 2010
IN SA/116/2008 WITH SA/983/2004 WITH
CA/6640/2004 IN SA/983/2004**

WALLISAHEB MOHD HAKKANI AND ORS
VERSUS
HIRAMAN SAKHARAM WAGHMARE DIED TH LRS
GULABANI HIRAMAN WAGHMARE AND ORS

...

Mr.Pradeep Deshmukh, Advocate for applicants

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CORAM: V.L. ACHLIYA, J.

DATE : 27.06.2019

ORAL ORDER:

The applicants-appellants have taken out this application to bring the heirs of deceased Respondent No.3 on record.

2. In brief, it is the contention of the learned counsel for the applicants that the steps to bring the legal heirs of Respondent No.3 could not be taken immediately after the death of deceased as they had no knowledge as to death of respondent no.3. As soon as they came to know about the death of Respondent No.3, they have filed this application.

3. Respondent Nos.3A to 3E proposed

heirs of respondent no.3 though served failed to appear and contest the application.

4. Considering the submissions advanced in the light of unchallenged pleadings made in the application and the reasons assigned, I am inclined to allow the application seeking of delay in filing the application for bringing the heirs of deceased Respondent No.3 on record. Accordingly the application is allowed in terms of prayer clauses "A" and "B". Necessary substitution be carried out within three weeks from today. After carrying out the necessary substitution, notice of appeal be issued to Respondent Nos.3A to 3E, returnable on 7th August, 2019.

5. The Civil Application be marked as disposed of.

6. List the Second Appeal on 7th August, 2019.

[V.L. ACHLIYA]
JUDGE

SGA