

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

CIVIL APPLICATION NO. 12391 OF 2015 IN SA/104/2013

GODABAI KUNDALIK MALGE AND OTHERS
VERSUS
DHONDIRAM GOVINDRAO LOMATE AND OTHERS

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Advocate for Appellants : Mr. V.D. Salunke
Advocate for Respondents no.01 to 04 : Mr. S.S. Choudhari
Advocate for Respondent no.05 : Mr. S.S. Bhise

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 05TH APRIL 2019

ORAL ORDER :

01. Present application has been filed to bring the legal representatives of applicants no.01 and 02 on record.

02. Heard both sides.

03. Applicant no.01 Godabai expired on 30-03-2013. Applicant no.02 Kundalik, her husband, was on record. So also, applicant no.03 Rajaram, one of the sons, was on record. But it appears that there are also other heirs left by her. That does not amount to abatement though there may be a technical delay. But then, applicant no.02 also expired on 26-06-2015. The proposed legal heirs 1A to 1E are his legal

heirs. Out of that, 1E is applicant no.03. As regards him, the application is within limitation.

04. Under such circumstance, though the application is strongly opposed stating that though there was delay in bringing legal representatives of applicant no.01 on record, nothing has been mentioned in the application, liberal approach is required to be taken.

05. Hence, the application is allowed. The legal representatives of deceased applicant / appellant no.01 and applicant / appellant no.02 are permitted to be brought on record. Necessary amendment to that effect be carried out within 14 days.

(Smt. Vibha Kankanwadi)
JUDGE

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