

(1)

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

CA/12760/2021 IN SA/644/2019

VINOD ATMARAM TALREJE

VS

KHAMAR ALI SHAHA MEHMOODALI SHAHA. L.RS. SAYYAD
KADAR AND ORS

.....

Mr.Milind Patil-Beedkar, Adv. For applicant;

CORAM : SMT.VIBHA KANKANWADI, J.

DATE : 30th November, 2021

PER COURT :-

1. Learned Advocate Mr.Wajeed Ahmed submits that in CA No. 12760/2021 in Second Appeal No.644/2019, he has instruction to appear for the proposed legal representatives of Respondent No.1. However, there is office objection that name of deceased Respondent No.1 differs in the memo of Second Appeal as well as Civil Application. The said objection be removed.

2. In view of the fact that learned Advocate Mr. Wajeed is appearing for the proposed legal heirs of Respondent No.1, he can file Vakalatnama within a period of two weeks and he waives service for them. He strongly objects for application as he submits that no reasonable ground has been shown for condoning the delay of 428 days.

(2)

3. The applicant has contended that Respondent No.1 expired on 29.6.2020. The applicant resides at Pune and was not aware about death of Respondent No.1. There were COVID-19 restrictions for travelling and due to lack of knowledge of death of Respondent No.1, he could not take appropriate steps. The reasons stated in the application are reasonable and sufficient to condone the delay. Hence, the application stands allowed and disposed of. The legal representatives of deceased Respondent No.1 be brought on record within a period of two weeks from today.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV