

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

**918 CIVIL APPLICATION NO.11870 OF 2017
IN CRA/194/1999**

YAYABHAI ABBASBHAI BOHRI (DIED) THR. L.RS. HATIMBHAI
A.BOHRI (DIED) THR. L.RS. HANJALA AND OTHERS
VERSUS
NEMICHAND UGAMRAO COMPANY DONDAICHA AND OTHERS

...
Advocate for Applicants : Shri Subodh P. Shah
Advocate for Respondent No.3-B : Shri A. P. Bhandari

...
CORAM : P.R.BORA, J.
DATE: 12th July, 2019

PER COURT:-

1 This is an application for bringing on record the legal heirs of deceased respondent No.3. Respondent Nos.3-A and 3-C though are duly served, they have not caused appearance. Respondent No.3-B is represented by learned Counsel Shri A.P.Bhandari.

2 Shri S.P.Shah, learned Counsel for the applicants submitted that for genuine reasons which are explained in the application, the application could not be filed within the stipulated period of limitation. The learned Counsel submitted that in the circumstances, the application be allowed and the applicants be permitted to bring on record the legal heirs of deceased respondent No.3.

3 Shri A.P.Bhandari, learned Counsel for respondent No.3-B has opposed the said request stating that huge delay has not been properly explained.

4 Having considered the contentions raised in the application more particularly in paragraph Nos.7,8 and 9, I am satisfied that the delay caused in filing the application has been sufficiently explained. Hence, the following order:-

ORDER

- I) The Civil Application is allowed.
- II) The delay caused in filing the application is condoned. Abatement, if any, stands set aside.
- III) The legal heirs of deceased respondent No.3 as are mentioned in the application be taken on record.
- IV) Necessary amendment be carried out within two weeks.
- V) After the legal heirs of deceased respondent No.3 are brought on record, issue notice to the said respondents in the Civil Revision Application, returnable on 20.08.2019.
- VI) Advocate Shri A.P.Bhandari waives service of notice for respondent No.3-B.

(P.R.BORA)
JUDGE