

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.13306 OF 2018
IN SA/20/1985
WITH
CA/13307/2018 IN SA/20/1985

HUSSAINABEGUM OSMANKHAN (DECEASED) THRO. LRS OSMAN KHAN
LRS ABDULLA KHAN AND OTHE
VERSUS
MOIZ AHMED GULAM AHMED (DIED) LRS EKBAL AND OTHERS

...
Advocate for Applicants : Ms. Deshmukh Charuta Sunil
Advocate for Respondents No.2 and 3 : Mr. P. C. Mayure

...
CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 03-05-2019.

PER COURT :

1. Both these applications have been filed to bring legal representatives of respondents No.5 and 6 on record by condoning the delay of 7740 and 5798 days.

2. The applicants contend that, respondent No.5 Shankar Kishan Misal expired on 20-05-1997 and Deorao Kisan Misal expired on 23-08-2000. The appeal was admitted long back and it was waiting for its turn for final hearing. The matter was on board on 10-07-2018. On that day information was given to the applicants that, respondents No.5 and 6 are dead. Thereafter, they have collected the information regarding legal representatives. They have no knowledge prior to that day regarding death of those respondents. The delay is unintentional.

3. Learned advocate appearing for respondents No.2 and 3 has strongly opposed the applications on the ground that the delay is huge and inordinate and not sufficiently explained.

4. It is to be noted that, second appeal was filed in the year 1985, it was admitted, and since then waiting for its turn for final hearing. Respondents No.5 and 6 were served with the notice in respect of second appeal, however they remained absent, and therefore, matter has proceeded in their absence. Under such circumstances unless it is informed by somebody it will not be possible for the applicants to take steps in respect of bringing those legal heirs on record. Under such circumstances the delay is properly explained. Applications are allowed. Delay is condoned in both the applications. The legal representatives of respondents No.5 and 6 be brought on record immediately. Both the applications are disposed of accordingly.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-