

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.3902 OF 2017  
IN SA/958/2006

**WITH**

CIVIL APPLICATION NO.3903 OF 2017  
IN SA/958/2006

Baburao s/o Rambhau Sable,  
Since deceased through His  
Legal Heirs No.1-A to 1-H. ...Applicants.

VERSUS

Parvatibai w/o Ananta Sable,  
Age 59 years, occupation Agri.,  
R/o Village Baburdi Tq.Shrigonda  
Dist. Ahmednagar.  
And Other. ...Respondents.

.....

Mr. Rajendra Deshmukh, Advocate for applicants.  
Mr. V. P. Latange, Advocate for Respondent No.1.

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**CORAM : SMT.VIBHA KANKANWADI, J.**  
**DATE : 24-04-2019.**

ORAL ORDER :

1. Both these applications filed to bring the legal representatives of appellants No.1A and 1D respectively on record and to get the delay of 30 days and 2443 days condoned.
2. Appellant No.1-A expired on 20<sup>th</sup> July 2016 whereas appellant No.1D expired on 10-12-2009 respectively. It is contended that, the applicants were not aware that the legal representatives are required to be brought on record and they were required to make necessary arrangements. It is stated that, both the applications are not unintentional. The appeal is admitted and it was waiting for its turn.

Therefore, there was no contact between appellants and the advocate.

3. The applications are strongly objected on the ground that the delay in respect of bringing the legal representatives of appellant No.1D as huge and inordinate which has not been explained properly.

4. The fact which is not in dispute is that, the appeal is admitted and it is waiting for its turn for final hearing. The possibility of loss of contact between the appellants and the advocate during the said period cannot be ruled out. Further it appears that, the applicants are from rural area, therefore liberal approach is required to be taken. As regards the application for bringing legal representatives of respondent No.1D on record is concerned, the delay is huge and inordinate but then since by taking liberal approach it is required to be condoned. The inconvenience that has been caused to respondent No.1 deserves to be compensated in terms of money. Hence following order.

### **ORDER**

1) Both the applications are allowed.

2) The delay of 2443 days caused in bringing the legal heirs on record of appellant No.1-A and 1-D is hereby condoned subject to deposit of cost of Rs.5000/- in C.A.No.3903 of 2017, within 15 days from the date of this order in this Court.

- 3) After the amount is deposited, it be given to respondent No.1.
- 4) After the deposit of amount, the legal heirs of appellant No.1A and 1D be brought on record within 14 days thereafter.
- 5) Both the applications are disposed of accordingly.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

*vjg/-.*