

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

**930 CIVIL APPLICATION NO.14215 OF 2018
IN CA/10100/2017**

**VIJAYSING JIVALYA GAVIT AND ANR
VERSUS
RUBLI JIVALYA GAVIT AND OTHERS**

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Mr. S.A. Ambilwade & Mr. N.S. Tekale, Advocates for the applicants

Mr. M.G. Kochar, Advocate for the respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI,J.

DATE : 22th FEBRUARY, 2019

PER COURT :

1 Present application has been filed to bring the legal representatives of respondent No.3 on record and also with the prayer to condone the delay of 288 days in bringing those legal representatives on record.

2 Respondent No.3 expired on 13.11.2017. There is also another Civil Application to condone the delay of 14 days in filing Second Appeal. Notices were issued in that application to all the respondents and thereafter it is stated that applicants came to know about death of respondent No.3. It is to be noted that the First Appeal bearing R.C.A. No.29/2010 came to be

decided on 24.03.2017 by the learned Principal District Judge, Nandurbar. That means, after the decision of the First Appeal, respondent No.3 has expired and then the Civil Application to condone the Second Appeal was also filed by that time. Though the parties are stated to be related, taking into consideration the fact that it is in respect of subsequent event after the decision of the First Appeal and that the legal representatives of respondent No.3 though served, failed to appear and have not contested this application. The said application is hereby allowed. Delay caused in bringing legal representatives of respondent No.3 on record is hereby condoned. The necessary amendment be carried out in Civil Application as well as Second Appeal, within 14 days.

(Smt. Vibha Kankanwadi, J.)

agd