

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

**CIVIL APPLICATION NO.238 OF 2019
IN SA/576/2018**

**SAU.KAMAL BAPURAO DESHMUKH AND OTHERS
VERSUS
KRUSHNA SHANKAR NADE AND OTHERS**

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Mr.A.B. Gatne, Advocate for the applicants.
Mr.S.D. Kotkar, Advocate for respondent
Nos.1, 4A, 5B, 7, 8, 10B, 10E, 11 and 13

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**CORAM: V.L. ACHLIYA,J.
DATE : 19.08.2019**

ORAL ORDER:

This application is filed for bringing legal heirs of deceased respondent no.9 on record for the reasons set out in detail in the application.

2. Learned counsel for the applicants submits that the delay caused in filing the application for bringing legal heirs of deceased respondent no.9 on record was not deliberate and intentional but due to the reasons mentioned in detail in the application. It is submitted that deceased respondent no.9 was died prior to decree passed by the Appellate Court. No steps were

taken to bring his legal heirs on record. After filing of Second Appeal, the applicants came to know that respondent no.9 has expired on 29.03.2013 i.e. prior to decree passed by the Appellate Court.

3. Respondent Nos.9(A) to 9(C) i.e. proposed legal heirs of deceased respondent no.9 though served failed to appear.

4. On due consideration of submissions advanced in the light of unchallenged pleadings made in the application assigning reasons for condonation of delay and reasons for bringing the legal heirs of deceased respondent no.9 on record, I am of the view that the application deserves to be allowed. Accordingly, the application is allowed in terms of prayer clauses "A", "C", "D" and "E". Necessary amendment/substitution be carried out within two weeks from today.

5. The application is disposed of in above terms.

[V.L. ACHLIYA]
JUDGE