

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

**CIVIL APPLICATION NO.244 OF 2019
IN SA/576/2018**

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

...

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.3 on record for the reasons set out in detail in the application.

2. In spite of service legal heirs of deceased respondent no.3 are absent.

3. In brief, it is the contention of learned counsel for the applicants that respondent no.3 though died on 13.09.2013 still no steps were taken in First Appeal to bring the legal heirs of deceased respondent no.3 on record. The respondent no.3 died much

prior to passing of decree by the First Appellate Court. After filing of Second Appeal, the present applicants came to know about the death of deceased respondent no.3. Therefore, they have taken steps to find out the names of legal heirs of deceased respondent no.3 and accordingly, the present application is filed.

4. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning reasons for condonation of delay and reasons for bringing the legal heirs of deceased respondent no.3 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