

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

**CIVIL APPLICATION NO.242 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.10-A on record for the reasons set out in detail in the application.

2. It is the contention of learned counsel for the applicants that the deceased respondent no.10-A though expired on 27.09.2006 i.e. before passing the decree by the trial Court as well as the decision in Appeal, still no attempts were made on the part of original plaintiff to bring the legal heirs of deceased respondent No.10-A on record. After filing of Second Appeal, as it

was detected that respondent no.10-A has died on 27.09.2006, therefore, the applicants have taken steps to bring legal heirs of deceased respondent no.10-A on record. In this background, learned counsel for the applicants submitted that the delay caused in filing application for setting aside the abatement and to bring on record the legal heirs of deceased respondent no.10-A deserves to be allowed.

3. In spite of service, the legal heirs of deceased respondent no.10-A are absent.

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.10-A 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

SGA