

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 2393 OF 2018****IN****WRIT PETITION NO. 13731 OF 2016**

Dattatraya Daulata Awale & Ors.

.....Applicants.

Vs.

Shrirang Bandu Awale & Ors.

.....Respondents.

Mr. K.J. Phakade for the Applicants.

Mr. S.R. Ghanavat I/by V.S. Talkute for the Respondent No.1.

CORAM : A. S. GADKARI, J.**DATE : 2nd AUGUST, 2019.****P.C.:-**

This is an Application for bringing legal heirs of Respondent Nos. 2 on record. There is delay of 970 days in filing the present Application.

2 Learned counsel appearing for the Respondent No. 1 vehemently opposed the Application and submitted that, no sufficient cause is shown by the Applicants/Petitioners to condone the said inordinate delay.

3 Taking into consideration the fact that, the Respondent No.2 is a necessary party for deciding the present Petition and in the interest of justice, I am inclined to condone the delay, subject to

payment of costs of Rs.5,000/- to the High Court Legal Services Committee, Mumbai, having its account in the name of “*High Court Legal Aid Fund*” within a period of three weeks from today.

3 It is made clear that, the payment of aforesaid costs by the Applicant within the said stipulated period, is a condition precedent to condone delay.

4 The abatement, if any, is accordingly set aside.

5 Application is allowed in terms of prayer clauses (a) and (b).

(A.S. GADKARI, J.)