

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

46 CIVIL APPLICATION NO.7059 OF 2020  
IN SA/752/2012

BHAUSAHEB VITTHAL GARJE AND ANR  
VERSUS  
MARUTI BHAGCHAND GARJE (DIED) ASHA BABASAHEB AGHAV AND  
ORS.

...  
Advocate for Respondent Nos. 1 & 2 (in Second Appeal) : Smt. M.A.  
Kulkarni

...

**CORAM : M. G. SEWLIKAR, J.**

DATE : 27<sup>th</sup> OCTOBER, 2020.

PER COURT :

1. Shri Kakade, the learned counsel for the applicants is neither present in the Court Hall, nor he is present on line.
2. Respondent No. 1 Maruti Bhagchand Garje is reported to be dead. Therefore, instant application is filed for bringing the legal representatives of the respondent No. 1 on record.
3. Smt. Kulkarni, appears for the proposed legal representatives (in Second Appeal). According to her, there is inordinate delay in filing the application for bringing the legal representatives of the deceased respondent No. 1 Maruti on record.

Therefore, application deserves to be rejected. If the application is allowed, heavy costs be imposed on the applicants.

4. There is delay of 198 days in preferring this application. For the reasons stated in the application, application is allowed.

5. Delay of 198 days is condoned and the abatement is set aside.

6. Legal representatives of deceased respondent No. 1 Maruti Bhagchand Garje be brought on record.

7. The applicants shall amend the Appeal Memo within 4 weeks from today.

8. Stand over to 7.12.2020.

**( M. G. SEWLIKAR )**  
**JUDGE**

mahajansb/