

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

**908 CIVIL APPLICATION NO. 12396 OF 2015
IN
SECOND APPEAL NO. 380 OF 1994**

DEVIDAS HARIBHAU JOGDAND.
VERSUS
VITHAL YAMAJI KOLAPE & OTHERS.

Mr. M. M. Patil Beedkar, Advocate for the applicant
Mr. Anand Kulkarni, Advocate h/f Mr. R. S. Deshmukh, Advocate for
respondent Nos. 1 and 8(a)

CORAM : S. M. GAVHANE, J.

DATE : 23-01-2020

P. C.

. Heard learned counsel appearing for the applicant and respondents.

2. LR's of sole appellant have moved this application to bring them on record as LR's of appellant by condoning the delay caused in moving this application. Learned counsel appearing for the applicants submitted that sole appellant died on 04-11-2000. Applicants should have moved this application in time, but delay of 58 days has been caused in moving the application and the said delay is accidental and not intentional. It is submitted that LR Nos. 1-A and 1-B are widows and they are illiterate, applicant No. 1-C was in employment and he has retired about two years prior to filing the application, applicant No.1-D is stationed at Ahmednagar

and all the applicants were unaware of the pendency of litigation and therefore delay has been caused.

3. Respondents have no specific objection to consider the request made by the applicants.

4. Considering the submissions made by the learned counsel appearing for the applicants and the grounds of delay referred to above, the delay is condoned. Application is allowed in terms of prayer clauses (A), (B) and (C).

5. Necessary amendment be carried out within two weeks to show the LRs of appellant in the cause title of the appeal.

6. Fix the appeal for final hearing on 05-03-2020.

[S. M. GAVHANE, J.]