

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

**918 CIVIL APPLICATION NO.10632 OF 2015
IN SA/901/2004**

PRAYAGBAI MOHANRAO SHINDE
VERSUS
YESWADABAI BABRU SARWADE LRS VILAS AND OTHERS

Mr. Vivekanant V. Ingale, Advocate for the applicant
Mr. Prashant S. Shinde, Advocate for respondent No.1-A to 1-D

CORAM : S. M. GAVHANE, J.

DATE : 31-01-2020

P. C.

. Applicant/appellant has moved this application to condone the delay of 556 days caused in filing this application to bring on record the LR's of respondent No. 1 and to set aside the abetment of appeal against said respondent.

2. Learned counsel for the applicant submitted that the appeal is admitted on 04-05-2007 and then it was pending for final hearing. The applicant was not aware of death of respondent No. 1. When the Advocate for respondent No. 1 filed pursis on 10-06-2015 and the court passed order of abetment on same day, advocate for the applicant tried to contact the applicant, but he could not contact and thus, delay has been caused in filing the application. It is submitted that applicant is illiterate lady. She is not having knowledge of court proceeding. If delay is not condoned, she will

suffer loss. Therefore, application be allowed and applicant be allowed to bring on record the LR's of respondent No. 1.

3. Learned Advocate representing the LR's of respondent No. 1 has no specific objection. So also, nobody has appeared for respondent No. 2.

4. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in the paragraph No. 3 of the application, delay needs to be condoned and order of abetment of appeal against respondent No. 1 needs to be set aside and LR's of respondent No.1 are required to be brought on record by allowing the application. Therefore, application is allowed in terms of prayer clauses (B) and (C).

5. Necessary amendment be carried out in cause title of appeal to show LR's of respondent No. 1 within two weeks. After amendment is carried out Mr. Prashant S. Shinde, waives service of notice for said respondents.

6. Place the appeal for further consideration on 05-03-2020.

[S. M. GAVHANE, J.]