

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 CIVIL APPLICATION NO.11586 OF 2019
IN SA/49/1993 WITH CA/600/1993 IN SA/49/1993

PUNJAJI S/O GYANOBA MIJGAR DIED LRS. KRUSHNABAI PUNJAJI
MIJGAR AND OTHERS
VERSUS
BABURAO S/O RAIJI AND OTHER

Mr. P. P. Mandlik, Advocate for the applicants
Ms. Maya R. Jamdhade, Advocate for respondent Nos. 2-A
to 2-C, 3 and 4.

CORAM : S. M. GAVHANE, J.

DATED : 17.01.2020

PER COURT :-

. The applicants/ original defendants have filed this second appeal aggrieved by the judgment and order dated 03/11/1992 passed by the appellate Court in RCA No. 32 of 1985 and they have filed this application to allow them to bring on record LR's of respondent No. 3 by condoning the delay of 151 days caused in filing the application.

2. Learned counsel appearing for the applicants submitted that the appeal was being finally argued and at that time the learned counsel representing respondent No.3 informed that respondent No. 3 died on 23/01/2019 and immediately after getting knowledge of death of the said respondent, applicants have moved this application.

However, delay has been caused. It is submitted that the applicants were not aware of death of respondent No. 3 and therefore, delay may be condoned and they may be allowed to bring on record LR's of respondent No. 3 by allowing the application.

3. Learned counsel appearing for the proposed LR's has no specific objection.

4. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in paragraph Nos. 4, 5 and 6 of application it is allowed in terms of prayer clauses (B) and (C). Necessary amendment be carried out within two weeks to show the names of LR's of respondent No. 3 in the cause title of appeal.

5. After the amendment is carried out to show the LR's of respondent No. 3, Ms. Jamdhade, learned counsel waives service of notice of appeal for said respondents. Place the appeal for further consideration on 03/03/2020.

[S. M. GAVHANE, J.]