

CIVIL APPLICATION NO.153 OF 2014
IN
FIRST APPEAL NO.1154 OF 2012

Ms.Tanaya Goswami AGP for the Appellant.
Mr.D.D.Shinde for Respondent No.5.

DATE : 6TH JANUARY, 2020.

1. Heard Ms.Tanya Goswami, learned AGP for the State and Mr.D.D.Shinde, learned counsel for Respondent No.5.
2. Vide order dated 6th December, 2019 (Coram : M.G.Sewlikar, J.) the proposed legal heirs, namely, Respondent Nos.4A to 4E, who are to be brought on record, though duly served, remained absent and, therefore, the application came to be proceeded ex parte against them. There is delay of 6 years 134 days in bringing LR's of deceased Respondent No.4. Elaborate reasons are given in paragraphs Nos.2, 4 and 5 for condonation of delay. In my considered opinion, the reasons submitted for huge delay are self explanatory. Moreover, despite due service the proposed legal heirs remained absent. In such circumstances no prejudice would be caused to the proposed legal heirs if they are allowed to be brought on record. Eventually, the matter will be heard on merits and equal opportunity will also be given to the proposed LR's along

with other respondents.

3. Accordingly, the delay of 6 years 134 days stands condoned and the abatement of appeal, if any, as against proposed LR's also stands set aside.

4. The appellant to bring proposed LR's of Respondent No.4 on record forthwith.

(V.G. BISHT, J.)