

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO.1221 OF 2021
IN SA/36/2007

VENKATRAO KASHIRAM BIRADAR DIED LRS. AVANTIKABAI
VENKATRAO BIRADAR (JADHAV) AND OTHERS
VERSUS
BAPURAO KASHIRAM BIRADAR DIED LRS. KALUBAI BAPURAO
BIRADAR (JADHAV) AND OTHERS

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CORAM: H.M.BHOSALE
REGISTRAR (JUDL)

DATED: 03/02/2021

1. This Civil Application is preferred by the applicants to bring on record legal heirs of respondent no.2 Baburao Kashiram Biradar (Jadhav) who died on 28.9.2020. In support of averments in the application, death certificate of respondent no.2 is filed on record. It is evident from the death certificate that sole respondent expired on 28.9.2020. The Civil Application is filed on 4.1.2021. The period of 90 days expired during Christmas Vacation on 28.12.2020. The application is filed on opening day i.e. 4.1.2021. Hence, it is within limitation after excluding vacation period and filed on first day of reopening.

2. Considering above and by virtue of the provisions under Chapter II Rule 3 sub rule (i) of the Bombay High Court Appellate Side Rules, the application is allowed. The necessary amendment be carried out within stipulated period.

REGISTRAR (JUDL)