

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO.4633 OF 2021
IN FA/2750/2019

YEDABA BHAGOJI DARADE (DIED) THR LRS. SUMITRABAI AND ANOTHER
VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ANOTHER

...

Mrs. P.G. Sontakke, Advocate for the applicants

Mr. A.M. Phule, AGP for the respondent No.1

Mr. V.C. Solshe, Advocate for the respondent No.2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th JUNE, 2021.

PER COURT :

1 Present application has been filed by the respondent in First Appeal for getting the delay of 24 days condoned in bringing the legal representatives of applicant No.1/1.

2 Heard learned Advocate Mrs. P.G. Sontakke for the applicants and learned AGP Mr. A.M. Phule for the respondent No.1.

3 It is to be noted that the present applicant himself is respondent.

The duty to bring the legal representatives of respondent on record is that of the appellant. Now, with the extra precaution it appears that the respondent himself has come forward with the application to bring himself on record. Under such circumstance, there is no question of delay, as the provisions of Limitation Act would be applicable to the appellant.

4 Taking into consideration the fact that the present application is by respondent himself and he is already on record in the capacity as respondent No.2 and on this count also when he is already on record the Limitation Act would not have applied. There is no hurdle in allowing the said application. Application stands allowed. Learned Advocate for appellant to carry out the necessary amendments. Application accordingly stands disposed of.

(Smt. Vibha Kankanwadi, J.)

agd