

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**907 CIVIL APPLICATION NO.3767 OF 2020  
IN SA/965/2018**

CHANDRAKANT RAMKRUSHNA DEVGIRE DECEASED  
LRS. BHAGYASHRI AND OTHERS  
VERSUS  
SAYYED RASHID SAYYED HUSSAIN MUJAWAR

...  
Advocate for Applicants : Mr. Salunke V. D.  
Advocate for Respondent : Mr. S. B. Ghute  
...

**CORAM : SMT.VIBHA KANKANWADI, J.**  
**DATE : 06-10-2021.**

**ORDER :**

1. Leave to correct prayer Clause 8-A.
2. Present application has been filed for bringing the legal representatives of the sole appellant on record and getting the delay of 399 days condoned in filing the application.
3. Heard learned Advocate Mr. V. D. Salunke for applicants and learned Advocate Mr. S. B. Ghute for respondent.
4. The original appellant expired on 16-11-2018, he is survived by the present applicants. The applicants contend that they were not aware about the pendency of the second appeal. When they were served with the notice dated 02-03-2020 from the Court of learned Civil Judge, Senior Division, Osmanabad, regarding the execution petition, they got the knowledge about the pendency of the present

appeal and, therefore, they say that there is delay.

5. Though the learned Advocate appearing for the respondent is strongly objecting, yet in view of the fact that the applicants were not aware about the second appeal filed by their predecessor, liberal approach deserves to be taken. The delay that has been caused can be compensated in terms of money to the respondent.

6. Learned Advocate appearing for the applicant submits that inadvertently the prayer for setting aside abatement remained to be incorporated. His oral request is allowed. The application stands allowed. The delay stands condoned. The abatement stands set aside.

7. The legal heirs of appellant be brought on record within a period of one (1) week.

8. Applicants to deposit cost of Rs.3000/- (three thousand) in this Court within a period of one (1) month.

9. After the amount is deposited, it be given to the respondent.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

*vjg/-*

GAWADE  
VIRENDRA  
J

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by GAWADE  
VIRENDRA J  
Date: 2021.10.07  
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