

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.13195 OF 2017

IN

SA/252/2000

**ANDRESH RAKHMA BRAHMANE THROUGH POWER OF
ATTORNEY YOHAN LRS RAJU AND OTHERS
VERSUS
YOSEF KESHAV BRAHAMANE AND OTHERS**

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Mr. V.R. Dhorde, Advocate for the Applicants

Mr. A.B. Bhandari, Advocate for Respondent Nos. 5, 7, 8 and 13

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 20th DECEMBER, 2021

PER COURT:-

1. It is an application to bring on record the legal heirs of deceased respondent no.1 Yousef Keshav Brahamane.
2. Heard Mr. V.R. Dhorde, learned counsel for the applicants and Mr. A.P. Bhandari, learned counsel for the contesting respondents.
3. There seems to be delay of 699 days in bringing on record the legal heirs of deceased respondent no.1. Mr. Dhorde, learned counsel for the applicants invited my attention to para nos. 2 and 3 of the application and points out that though the appellants could

get the names of legal heirs of respondent no.1, they could not get their detail address etc. and as a result of it, delay has occurred in preferring this application. He urged to allow this application by setting aside the abatement, if any.

4. Mr. Bhandari, learned counsel for the contesting respondents strongly opposed to allow the application on the ground that the delay caused in this case is inordinate and secondly, no sufficient reasons are assigned to condone the delay.

5. Having regard to the submissions made by the learned counsel for both the sides, I have gone through the death certificate of respondent no.1 and the copy of heirship certificate issued by the Gram Panchayat office Loni (Khurd).

6. Respondent no.1 Yousef Keshav Brahamane died on 13.04.2014 and the office of the Gram Panchayat Loni (Khurd) has issued the heirship certificate on 31.08.2015. However, heirship certificate has not given detail address etc. in the said certificate and the applicants required to take necessary steps so as to collect the information about their detail address, their

profession etc., which seems to have caused the delay. The applicants have assigned good reasons in the application for condonation of delay. For deciding the appeal on merits, it is necessary to allow this application.

ORDER

(i) The application is hereby allowed in terms of prayer clause (A) and (B).

(ii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane