

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

914 CIVIL APPLICATION NO.7315 OF 2021
IN SA/248/1993
WITH
CA/2312/1993 IN SA/248/1993

VIKRANT VILASRAO PATIL LRS VIDHULATA AND OTHERS
VERSUS
UTTAM NIVRUTI LANDGE and OTHERS.

...

Advocate for Applicants : Mr. Deshmukh Ramraje A.
Mr. Kuldeep S.Patil, Adv. h/for Mr. Choudhari S.S., Adv. For
Respondent No.1
Mr. P.D. Suryawanshi, Adv. For R/4.

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 3rd August, 2021.

PER COURT :-

1. Leave is granted to correct the spelling of applicant No.1 and wherever it is occurring. Corrections be effected immediately.
2. Heard learned Advocates appearing for the respective parties.
3. Learned Advocate for the respondents are strongly objecting the application on the ground that the application does not contain any reasonable ground much less sufficient to explain inordinate delay of 356 days caused in bringing the legal representatives of the sole appellant on record.
4. The sole appellant in the Second Appeal No.248/1993 has died on 25.11.2018. The appeal was admitted on 11.9.2006 on the sole substantial question of law, i.e. "Whether the present appellant has proved that the

(2)

property was sold to him for legal necessity?" When the appeal is admitted, it should be taken to a logical end.

5. The present applicants are the widow and minor daughter of deceased sole appellant. They are residents of Barshi District Solapur and it appears that the property that was purchased was from Osmanabad district. Under such circumstance, there is every likelihood and there is substance in the say of the applicants that they were not aware about the Second Appeal and they came to know about the same at the time of getting the mutation of their names done in respect of the suit property. Therefore, there is a plausible reason given by the applicants. Taking into consideration the fact that the applicants are the widow and minor daughter of the deceased appellant, this Court is not inclined to impost costs on them. However, a statement can be made that even the learned Advocate for the sole appellant has committed delay even earlier for bringing the legal Representative of deceased appellant on record.

6. The application stands allowed and disposed of. The present applicants be brought on record immediately and place the matter for final hearing on 18.8.2021 at 2.30 pm.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV