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

911 CIVIL APPLICATION NO.7961 OF 2021
IN
SECOND APPEAL ST/24460/2015

EKNATH TUKARAM KORDE THROUGH GPA KAILASH EKNATH
KORDE AND ORS
VERSUS
SUREKHA DWARKANATH LAHOTI AND ANOTHER

...
Advocate for Applicants : Mr. Kakde Yuvraj V.
Mr. P. A. Bharat, Adv. For R/1

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 13th August, 2021.

PER COURT :-

1. Present application has been filed for getting delay of 231 days condoned in bringing the legal representatives of the appellant on record.
2. Learned Advocate for Respondent No.1 has strongly opposed the application.
3. The appellant had expired on 29.4.2019. it is contended that applicant No.1, who is also old aged, developed certain ailments and, therefore, applicant No.4 was taking care for applicant No.1. One of the sisters, i.e. one of the applicants, thereafter detected positive after the COVID-19 pandemic and, therefore, they could not approach this Court within limitation.

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4. No evidence has been produced regarding the ailments of applicant No.1-a. But, certainly taking into consideration her age, i.e. 75, she is old aged and might be requiring assistance. Taking into consideration the duration of the delay and taking a lenient view, since the applicants are also coming from rural area, the delay deserves to be condoned. However, the inconvenience that is caused to Respondent No.1, deserves to be compensated in terms of money. Hence, the application stands allowed and disposed of. The delay caused in bringing the legal representatives of the appellant on record, stands condoned, subject to deposit of costs of Rs.5,000/- (Rupees five thousand), within a period of fifteen days from today. Necessary amendment be carried out within the aforesaid period. After the cost is deposited, it be given to Respondent No.1.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV