

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

**913 CIVIL APPLICATION NO.10576 OF 2021**  
**IN SAST/4079/2017**  
**WITH CA/2788/2017 IN SAST/4079/2017**  
**WITH CA/2790/2017 IN SAST/4079/2017**

YOGESH S/O NAVNATH MHETRE  
VERSUS

1. BHIMA S/O VITHOBA MHETRE AND OTHERS

...  
Advocate for Applicant : Mr. Ingale Vivekanand V.  
Advocate for Respondent No.1 : Mr. Manish P. Tripathi

...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 05.10.2021**

**ORDER :-**

. Learned Advocate Mr. Tripathi submits that he has instructions to appear for the proposed legal representatives of respondent No.1. He may file his Vakalatnama within a period of two weeks.

2. Civil Application No.10576 of 2021 has been filed for getting the delay of 1081 days condoned in bringing the legal representatives of respondent No.1 on record. Respondent No.1 expired on 03.07.2018. The applicant claims that he is not aware about the death of respondent No.1. He came to know about the same when the pursis was filed before this Court in the month of August, 2021. It is then contended that the delay is unintentional. It is said that the applicant was away from the village due to the private service as well as education.

3. Heard both sides.

4. Important point to be noted is that in the citation, the applicant has stated his occupation as agriculture and then in the body of the application, he says that due to private service and education, he is away from the village. He has not stated where he is taking education and doing service. If he is from the same village, how he could not have come to know about the death of respondent No.1 is a question. However, taking into consideration the fact that the pursis has been filed in August, 2021, the delay deserves to be condoned.
5. Civil Application No.10576 of 2021 stands allowed and disposed of.
6. The delay caused in bringing legal representatives of respondent No.1 on record stands condoned.
7. Applicant to deposit amount of Rs.3,000/- to the High Court Legal Services Authority, Sub Committee, Aurangabad.
8. Necessary amendment to be carried out within a period of one week and the Civil Application No.2788 of 2017, which is for condonation of delay in filing second appeal, be placed for further consideration on 13.10.2021.

**[SMT. VIBHA KANKANWADI, J.]**

scm