

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

**CIVIL APPLICATION NO.12121 OF 2021
IN
FA/50/2020**

**BABASAHEB AMBADAS NAIKWADI (DIED) THR LRS. LAXMIBAI
BABASAHEB NAIKWADI AND ANOTHER
VERSUS
THE EX. ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND OTHERS**

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Mr. Manish Tripathi, Advocate h/f Mr. K.J. Ghute Patil, Advocate
for the Applicants
Mr. Mr. Jeevan R. Patil, Advocate h/f Mr. G.B. Rajale, Advocate for
Respondent No.1
Mr. P.M. Kulkarni, AGP for Respondent Nos.2 and 3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 08th DECEMBER, 2021

PER COURT:-

1. In pursuance to the order passed by this Court dated 25.11.2021, applicant-Gurunath Babasaheb Naikwadi has filed affidavit.
2. Heard Mr. Tripathi, learned counsel holding for Mr. K.G. Khute Patil, learned counsel for the applicants.

3. It is clarified in the affidavit sworn by the applicant-Gurunath Babasaheb Naikwadi that 'Babasaheb Amabad Naikwadi' as recorded in the Court proceedings and 'Baba Ambadas Naikwadi' as mentioned in death certificate is one and the same person. The affidavit to that effect is accepted.

4. It is an application for condonation of delay of 809 days in bringing legal heirs of deceased respondent Babasaheb.

5. There is no strong objection from the side of respondents having regard to the nature of dispute between the parties. The application for condonation of delay needs to be allowed.

ORDER

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

(ii) The civil application is accordingly disposed of.

(iii) After bringing on record the legal heirs of deceased respondent Babashaeb, the matter be placed before the Court on 12.01.2022.

[SHRIKANT D. KULKARNI]
JUDGE