

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13625 OF 2019
IN SAST/23592/2019

MUNJAJI RAMRAO BHAROSE AND OTHERS
VERSUS
RANGANATH KESHAVRAO BHAROSE AND OTHERS

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Mr. R. N. Dhorde, Senior Counsel i/b Mr. R. J. Nirmal, Advocate for applicants.

Mr. P. N. Kalani, Advocate for respondent Nos.1 to 4.

Mr. S. S. Rathi, Advocate for Respondent Nos.5/1 to 5/4 and 6.

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CORAM : SMT. VIBHA KANKANWADI, J.

Reserved on : 26.07.2021

Pronounced on : 04.08.2021

ORDER :-

1. Present application has been filed for condoning the delay of 157 days caused in filing civil application for taking legal representatives of respondent No.5 on record.

2. Heard learned Advocate Mr. R. N. Dhorde for applicants, learned Advocate Mr. P. N. Kalani for respondent Nos.1 to 4 and learned Advocate Mr. S. S. Rathi for respondent Nos.5/1 to 5/4 and 6. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. Applicants contend that respondent No.5 - Ramswarup Chothmal Chandak expired on 18.03.2019. He is survived by the applicants Nos.5/1

to 5/4 mentioned in the title of the application. It is contended that there is delay in filing this application, however, it is not intentional or deliberate. It is prayed that the delay should be condoned and the legal representatives of respondent No.5 be brought on record.

4. Though specific reason is not coming forward, but it is stated that due to unavoidable circumstance and due to lack of knowledge of the applicants, they could not bring the application within limitation, liberal approach is required to be taken. Furthermore, unless the applicants would have had knowledge about what steps are required to be taken after the death of the respondent, the delay deserves to be condoned.

5. Hence, the application stands allowed in terms of prayer clause 'B' and 'C', however, subject to deposit of cost of Rs.5,000/- within a period of two weeks as the respondents would suffer. After deposit of the cost amount, respondents are at liberty to withdraw the same.

6. Legal representative of respondent No.5, as shown in the application, be brought on record within a period of 15 days. After the amendment is carried out, issue notice to the proposed legal representatives of respondent No.5, returnable on 23.08.2021 .

[SMT. VIBHA KANKANWADI, J.]

scm