

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO. 275 OF 2018

AND

CIVIL APPLICATION (CAS) NO. 276 OF 2018

AND

CIVIL APPLICATION (CAS) NO. 422 OF 2018

IN

SECOND APPEAL NO.433 OF 2016

(RAMNATH DAJIBA BONDRE (DEAD) THR. LRS....VS.. GULAB DAJIBA BONDRE (DEAD) THR. LRS.
& OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri J.J.Chandurkar, Advocate for Appellants.

CORAM : ANIL S. KILOR, J.

DATED : NOVEMBER 15, 2021.

CIVIL APPLN.NO.275/2018.

Heard Shri Chandurkar, learned counsel for the applicants. None for the non-applicants/respondents, through served.

This is an application for condonation of delay. There is delay of 3002 days in filing the application under Order XII Rule 3 read with Order I Rule 10 and Section 151 of the Code of Civil Procedure. The applicant has given sufficient reasons explaining the delay and thereby stated that on issuance of notice vide order dated 04/07/2017 when the report was received that the respondent No.4 has expired, whereupon the applicant got knowledge about death of respondent No.4 and on inquiry the appellants got knowledge that on 17th

November 2009 the respondent No.4 died. Accordingly, the application for bringing legal representatives of respondent No.4 was filed, however, there was delay, as such the present application for condonation of delay has been filed.

In view of the fact that the delay has properly explained and though this application is pending since the year 2018 no reply has been filed opposing the said application by either the non-applicants or proposed legal heirs of respondent No.4.

Accordingly, the application is **allowed**. No order as to costs.

CIVIL APPLN.NOS.276/2018 & 422/2018.

For the reasons stated in the applications both the applications are allowed.

The necessary amendment be carried out within one week.

The applications are **disposed of** accordingly. No order as to costs.

JUDGE