

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1987 OF 2022
IN SA/43/1997

BABIBAI GOKUL HALGAONKAR L.RS. RAMESH and OTHERS.
VERSUS
MOHAN LIMBAJI HALGAONKAR LRS. BARKA and OTHERS.

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Advocate for Applicants : Mr. Anil S. Bajaj
Advocate for Respondent Nos.1, 2A and 2C : Mr. Nangare
Advocate for Respondent No.4 : Mr. D.V. Soman

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CORAM : MANGESH S. PATIL, J.

DATE : 15.02.2022

PER COURT :

This is Second Appeal which stand admitted long back. The appellant No.1 Babibai w/o. Gokul Halgoankar has died on 29.01.2019 whereas the respondent No.1 Mohan s/o. Limbaji Halgoankar has died on 25.01.2013. This is a composite application for setting aside abatement *qua* each of them with a further request to condone the delay occasioned in moving the Application.

2. I have heard both the sides, it stands admitted that the death of respondent No.1 was intimated to the learned advocate for the appellant in the month of January 2021.

3. In view of the Standing Order passed by the Supreme Court extending the period of limitation, coupled with the fact that the fact of death of the respondent No.1 was not intimated to the appellants till

January 2021, for the reasons mentioned in the Application, the Application is allowed to the extent of bringing on record the legal representatives of respondent No.1.

4. So far as the death of appellant No.1 is concerned, though there is some delay, considering the fact that the appeal stands admitted long back and even the parties would be not promptly prosecuting the appeal and waiting for the final hearing, the delay cannot be said to be inordinate or deliberate. The application even to that extent is allowed. Necessary amendment to be carried out within two weeks.

5. Office to accept the Vakalatnama of Mr. Nangare.

(MANGESH S. PATIL, J.)

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