

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

38 CIVIL APPLICATION NO.3147 OF 2022
IN FAST/21174/2018

KACHRU NARAYAN INGOLE (DIED) THR LRS MANKARNABAI WD/OKACHRU
INGOLE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr D.M. Kakade, Advocate for applicants
Mr S.P. Deshmukh, A.G.P. for respondents no.1 and 2
Mr C.D. Biradar, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

1. It is an application to bring on record legal heirs of original claimant Kachru Narayan Ingole who died on 24.5.2019.
2. Heard learned Counsel for the respective parties.
3. Mr S.P.Deshmukh, learned A.G.P. for respondents no.1 and 2 and Mr Biradar, learned Counsel for respondent no.3 strongly opposed to allow this application on the ground that there is delay of 904 days in preferring this application.
4. On the other hand, Mr Kakade submits that the applicants are the sons of the deceased and they were not knowing about proceedings of First Appeal initiated by their father, which resulted in delay. He, therefore, urged to condoned the delay.
5. Having regard to the nature of dispute, it is necessary to allow this application for bringing on record the legal heirs of deceased claimant.

ORDER

- (i) The Civil Application is hereby allowed in terms of prayer clauses (a) and (b).
- (ii) The necessary amendment be made in the Civil Application for condonation of delay as well as in Appeal
- (iii) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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