

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

**CIVIL APPLICATION NO. 3226 OF 2022
IN
SECOND APPEAL NO. 123 OF 2019**

Kalawati @ Kadubai Shrirang Tuljapure .. Applicant

Versus

Kaveribai Keshav Yadav (died)
Adyanbai @ Laxmibai Raosaheb Landge
and others .. Respondents

Mr. Sanjay A. Wakure, Advocate for the Applicant.

Mr. Prasanna Shankarrao Chavan, Advocate for Respondent Nos. 1-A to 1-E.

CORAM : BHARAT P. DESHPANDE, J.

DATED : 22nd AUGUST, 2022.

PER COURT:-

1. This is an application for bringing on record legal heirs of deceased respondent No. 1.
2. Heard learned counsel Mr. Wakure for the applicant and learned counsel Mr. Chavan for respondent Nos. 1-A to 1-E.
3. Learned counsel for the applicant submits that the respondent No. 1 has expired on 04.10.2019. The applicant was not knowing about death of respondent No. 1, however, learned counsel for the respondents has intimated this Court. Pursis was filed on 21.01.2022 under Order 22 Rule 10 of the Code of Civil Procedure disclosing about death. Thereafter, learned

counsel for the applicant has filed present application for bringing on record legal heirs and the reasons for condoning the delay as well as setting aside abatement if any.

4. Learned counsel for the respondents is appearing for the legal heirs.

5. Considering the above submissions as well as the fact that, the applicant was not knowing about the date of death of respondent No. 1 which was brought to his notice only by way of pursis, the application could be allowed. Hence, the following order.

ORDER

(I) The application stands allowed.

(II) Delay stands condoned.

(III) Abatement, if any, stands set aside.

(IV) The legal representatives of deceased respondent No. 1 are permitted to be brought on record.

(V) Amendment in the of second appeal to be carried out within a period of fourteen (14) days from today. Amended copy of the cause title be furnished after carrying out the amendment in the memo of second appeal.

(VI) Place the second appeal for admission on 27.09.2022.

(VII) The application stands disposed of accordingly.

(BHARAT P DESHPANDE, J.)

PS.B.