

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

927 CIVIL APPLICATION NO.6266 OF 2020
IN FIRST APPEAL NO. 1865 OF 2009

PANDIT NARAYAN CHIDRAWAR (DIED) THROUGH HIS L.RS.
PRAKASH CHIDRAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. G. N. Chincholkar
AGP for Respondents – State : Mr. A. A. Jagatkar
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 26.07.2022

PER COURT :

. Heard learned counsel for the applicants and learned AGP.

2. This is an application for bringing legal representatives of deceased appellant No. 1/7 Sou. Shakuntalabai w/o Nagnath Moralwar died on 19.07.2017 as per her death certificate annexed herewith this application. The applicants have also prayed for condonation of delay of 506 days.

3. The learned counsel for the applicants submits that the deceased appellant No. 1/7 was residing at Pune and

therefore, such delay has been caused. The learned AGP though opposed the application but alternatively submitted that an appropriate order may be passed. It appears that the cause of action still survives for the legal heirs of deceased applicant appellant No.1/7 whose names are mentioned in paragraph No. 2 of the application. In view of this, following order is passed :

O R D E R

1. Civil Application No. 6266 of 2020 is hereby allowed and the delay of 506 days in bringing the legal heirs of deceased applicant appellant No. 1/7, is also condoned.
2. The appellants to carry out the necessary amendment in paragraph No. 2 of this application and in the appeal memo.
3. Stand over to 11.08.2022.

(SANDIPKUMAR C. MORE)
JUDGE

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