

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO.5058 OF 2016
IN SA/75/2013

BASWARAJ SHIVLINGAPPA SONALE AND ORS
VERSUS
RAOSAHEB DADARAO JADHAV (DIED) L.RS. AND OTHERS.

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Advocate for Applicants : Mr. Solshe Vinesh C
Advocate for Respondent No.2 : Mr. S.B. Bhosle
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CORAM : BHARAT P. DESHPANDE, J.
DATED : 25th AUGUST 2022

PER COURT:-

1. This is an application for bringing legal heirs of deceased respondent No.1 on record, who expired on 20.9.2010.
2. Heard.
3. Learned counsel for the applicants submits that original respondent No.1 expired on 20.9.2010, however, the application was filed in the year 2016. There is delay of 1939 days. He submits that the applicants were not aware about death of respondent No.1. The applicants came to know about the same upon receipt of bailiff report only when the matter was listed on 14.3.2016. Thereafter the applicants collected necessary information of the legal heirs and filed application for bringing on record the legal heirs alongwith condonation of delay and setting aside the abatement. Though the

proposed legal heirs, as mentioned in para 2 of application, are duly served, no one appears for them.

4. The grounds mentioned in para 4 and 5 of present application are therefore sufficient reasons for condoning the delay, setting aside the abatement and bringing legal heirs of respondent No.1 on record. Hence, the following order:-

O R D E R

- I. Civil application stands allowed.
- II. Delay condoned.
- III. Abatement if any, stands set aside.
- IV. Legal heirs of respondent No.1 are permitted to be brought on record as respondent Nos. 1A to 1D. Amendment to be carried out within 14 days.
- V. Civil application stands disposed of accordingly.

(BHARAT P. DESHPANDE, J.)

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