

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

**CIVIL APPLICATION NO.6268 OF 2022
IN SA/410/1992**

**ASHRAFKHAN RAUFGHAN DIED LRS. SAMINAKHANAM ASHRAFKHAN
AND ORS.**

VERSUS

RENUKABAI AMRUTRAO ROHINKAR AND ANR.

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Advocate for Applicants : Mr. Vinesh C. Solshe

Advocate for Respondent No.1 : Mr. S. A. Wakure h/f. Mr. A. S. Deshmukh

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CORAM : MANGESH S. PATIL, J.

DATED : 20 APRIL 2022

PER COURT :

1. This is an application for bringing on record the LR's of the appellant no.2 - Mohammad Ayub Khan by setting aside the abatement, with a prayer to condone the delay in making this application.
2. learned advocate Mr. Sanjay Wakure h/f. Mr. A. S. Deshmukh for the respondent no.1 submits that there is huge delay, no sufficient cause is being shown and the application may not be allowed.
3. Admittedly, the appeal was filed in the year 1992 and was admitted long back and has been awaiting final hearing.

4. As laid down in the matter of **Perumon Bhagvathy Devaswom... Vs. Bhargavi Amma (Dead) Through Lrs. and Ors.**; 2008 (8) SCC 321, in such admitted appeals, a party is entitled to rely upon further communication by his advocate. Taking into account the nature of the dispute and the cause being coupled with the aforementioned facts and circumstances, the delay cannot be either intentional or deliberate, the application is allowed.
5. Delay is condoned. Abatement is set aside and the legal representatives of appellant no.2 are allowed to be brought on record.
6. Amendment to be carried out within two weeks.

(MANGESH S. PATIL, J.)