

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

**919 CIVIL APPLICATION NO.10697 OF 2016
IN FA/467/2005 WITH CA/5850/2005 IN FA/467/2005**

**MANJARA SAHAKARI SAKHAR KARKHANA LTD.
VERSUS
SHAIKH BABULAL SHAIKH HUSSAIN DIED THR HIS LRS KABIR AND ORS.**

Mr.V.B. Jadhav h/f. Mr. A.V. Hon, Advocate for the applicant.

**CORAM : ANIL L. PANSARE, J.
DATED : 15.07.2022**

PC :-

01. By present application the applicant/original appellant is seeking condonation of delay of 894 days in filing present application, by which the applicant is seeking to bring on record the legal representatives of respondent No.1.

02. Respondent No.1 has expired on 10.11.2013. The application has been filed on 20.07.2016. Thus, there is delay of 894 days. The learned Advocate for the applicant submits that the appeal was admitted in 2007. The appeal was listed in 2014. None appeared for original claimant/respondent No.1. The Court issued notice to the respondents, which came to be unserved with remark that respondent No.1 has expired. The applicant, accordingly came to know that respondent No.1 has expired and thereafter immediately has taken out the present application.

03. In view of the above, there appears no *mala fide* in filing the application belatedly. Accordingly, the delay of 894 days stands condoned. The legal representatives of respondent No.1 be brought on record within two weeks from today. Thereafter, issue notice to the newly added respondents, returnable four weeks thereafter.

04. The Civil Application is allowed accordingly.

[ANIL L. PANSARE,J.]