

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

**920 CIVIL APPLICATION NO.11362 OF 2016
IN FA/1911/2015 WITH CA/13277/2009 IN FA/1911/2015**

**THE REGISTRAR, VASANTRAO NAIK MARATHWADA KRUSHI VIDYAPEETH,
PARBHANI
VERSUS
JALBA BALIRAM JONDHALE DIED THR LRS CHATTRABAI AND ORS**

Mr.H.B. Nandgavale h/f. Mr.V.G. Sakolkar, Advocate for the applicant.
Mr.S.G. Sangle, AGP for the respondent/State.

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

PC :-

01. The applicant – acquiring body has filed present application to bring on record the legal representatives of respondent No.1. There is delay of 4492 days. The learned Advocate for the applicant submits that the decree has been passed in the year 2002. Same has been challenged in the year 2009. There being delay in filing the appeal, the applicant had filed application seeking condonation of delay, which came to be allowed in the year 2015 and thereafter the appeal came to be registered as First Appeal No.1911 of 2015.

02. The notices came to be issued in the First Appeal including respondent No.1. Notice to respondent No.1 returned unserved with remark that respondent No.1 has expired. Thereafter, after making enquiry the applicant/appellant came to know that respondent No.1 has expired on 08.01.2004. Present application has been filed accordingly in the year 2016.

03. Thus, the delay caused has been justified by the applicant. There is no reason to dispute the submissions of the applicant being an acquiring body.

04. In view of the above, the delay in filing present application is condoned. The Civil Application is allowed. The legal representatives of respondent No.1 be brought on record within four weeks from today. Thereafter, issue notice to newly added respondents, returnable four weeks thereafter. The abatement against respondent No.1 stands set aside. The civil application is accordingly allowed.

[ANIL L. PANSARE,J.]