

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

CIVIL APPLICATION NO. 3267 OF 2022
IN CA/5805/2009 WITH CA/5805/2009 IN SA/401/2009 WITH
CA/10387/2011 IN SA/401/2009 WITH CP/327/2012 IN
SA/401/2009

DAGDU RANGNATH SHINGAN
VERSUS
MEENABAI VENKATRAO SHINGAN AND OTHERS

Advocate for Applicant : Mr. M.G. Kedar
h/f. Mr. B.R. Kedar
Advocate for Respondent No. 2 : Mr. Dhananjay Mane
h/f. Mr. Milind Patil

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 18.04.2022

PER COURT :

1. Mr. Patil seeks to appear on behalf of the proposed legal representatives of respondent No. 2 – Nagorao Ganpati Yelurkar.
2. Heard Mr. M.G. Kedar holding for learned counsel for the applicant.
3. Mr. Kedar submits that respondent No. 2 died on 02.10.2019. However, due to the Covid – 19 pandemic, the applicant was unable to approach this Court to bring the legal representatives of the deceased respondent No. 2 on record.

4. Learned counsel for the applicant has invited my attention to the directions issued by the Hon'ble Supreme Court as regards condoning the delay for filing the application for bringing the LRs on record because of the peculiar situation. As such, the counsel argues that the delay was neither deliberate nor intentional which is required to be condoned by setting aside the abatement.

5. Learned counsel for respondent, on the other hand, has not seriously disputed the said aspect, however, he prayed for imposing some costs.

6. Considering the submissions of the respective counsel at the bar, the delay of 935 days occurred in filing of the present application is condonation by setting aside the abatement.

7. The applicant shall bring the proposed LRs of deceased respondent No. 2 on record within one week. After effecting the necessary amendment copies of the amended application be furnished to the respondents.

8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]