

IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD

918 CIVIL APPLICATION NO. 3784 OF 2020
IN SA/745/2015

REWANNATH S/O BHASKAR PILGAR DIED THROUGH LRS.
RANJANA REWANNATH PILGAR AND OTHERS
VERSUS
TARABAI RAGHUNATH SHINDE AND OTHERS

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Advocate for Applicants : Mr. Rahul A. Tambe
Advocate for Respondent No.1 : Mr. Y. H. Lagad h/f
Mr. R. R. Karpe
APP for Respondent-State : Mrs. G. L. Deshpande

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CORAM : BHARAT P. DESHPANDE, J.

DATED : 27 JULY 2022

PER COURT :-

1. Leave to amend the prayer clause. Amendment be carried out forthwith.
2. This application is filed on behalf of the legal heirs of appellant no.1 with a prayer to condone the delay, to set aside abatement, if any, and to bring them on record as legal heirs as the right to sue survives.
3. It is submitted that there is delay of 499 days in filing the application as original appellant no.1 expired on

12.02.2018. It is claimed that the present applicants were not knowing that their names are required to be added as legal heirs.

4. Learned counsel appearing for respondent no.1 formally opposes the application on the ground that the reasons disclosed in the present application are not sufficient to condone the delay.

5. The Second Appeal is pending for admission. The reasons stated in the application, and more particularly in para 2 and 3, are considered sufficient reasons for condonation of delay, to set aside the abatement and to bring the applicants on record as legal heirs of the deceased appellant no.1. Hence the order:

ORDER

- I. The application stands allowed.
- II. The delay of 499 days is hereby condoned.
- III. The abatement is set aside.

- IV. Applicant Nos. 1A to 1C are permitted to be brought on record as legal heirs of deceased appellant no.1.
- V. Amendment in the title clause of the Second Appeal be carried out within two weeks from today.
- VI. The application stands disposed off accordingly.

BHARAT P. DESHPANDE, J.

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