

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CIVIL APPLICATION NO.964 OF 2022
IN SA/762/2017

ZUMBAR BHAGUJI KARALE DECEASED THROUGH LRS. VIJAY
RAGHUNATH KARALE AND ORS.
VERSUS
BABU VITTUJI BHINGARDIVE LRS RAGHUNATH BABU
BHINGARDIVE AND OTHERS

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Advocate for Applicants : Mr. N.C. Garud
Advocate for Respondents 1-A, 2A to C : Mr. M. B. Sandanshiv
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CORAM : BHARAT P. DESHPANDE, J.
DATED : 28th JULY 2022

PER COURT:-

1. This is an application filed for bringing legal representatives of deceased respondent No.1-B on record, who expired on 27.4.2021. The present application is filed on 7.12.2021.
2. Learned counsel for the contesting respondents submitted that he will be appearing for the legal heirs in case the application is allowed.
3. Learned counsel for the applicants disclosed that no intimation was given about death of respondent 1-B and therefore, there is delay in filing present application. Similarly, during that period, there were restrictions with regard to Covid-19 SOP and therefore, such delay needs to be condoned and abatement, if any, be set aside.

4. Considering the reasons disclosed in para 3 and 4 of present application, disclosing sufficient cause for condonation of delay and setting aside abatement, present application needs to be allowed. Hence, the following order:-

O R D E R

- I. Civil application stands allowed.
- II. The delay stands condoned.
- III. Abatement, if any, stands set aside.
- IV. The applicant is permitted to bring on record the legal heirs of deceased respondent No.1-B as 1-B-1 to 1-B-5.
- V. Learned counsel for the respondents waives notice on behalf of legal heirs i.e. respondent No. 1-B-1 to 1-B-5.
- VI. Amendment to be carried out in the clause title of second appeal within a period of 14 days from today.
- VII. The application stands disposed of.

(BHARAT P. DESHPANDE, J.)

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