

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

**CIVIL APPLICATION NO.14546 OF 2019
IN SAST/4532/2019**

**TUKARAM SONAJI DUBUKWAD AND ANOTHER
VERSUS
ANANDA GANPATI YERMURE AND OTHERS**

...
Advocate for Applicants : Mr. Vaibhav B. Dhage
...

CORAM : BHARAT P. DESHPANDE, J.

DATED : 19th AUGUST 2022

PER COURT :

This is an application for condonation of delay, bringing legal heirs of deceased respondent no. 6 on record.

2. Heard Mr. Dhage, learned counsel for applicants.

3. Vide order dated 10th January 2020, notice was issued to proposed legal heirs of respondent no.6. Farad sheet shows that legal heirs of respondent no.6 was duly served, which is clear from endorsement dated 04th September 2020. No one appeared on behalf of proposed legal heirs.

4. Learned counsel for applicants submits that respondent no.6 – Maruti S/o Piraji Yermure expired on 22nd January 2010. The death certificate is produced on record at page no.9. It shows that respondent no.6 was appellant No.1 in Regular Civil Appeal No. 32 of 2007, which was decided by the District Judge-1, Kandhar, Dist. Nanded on 13th July 2015.

5. Learned counsel for applicants submits that he got the knowledge of death of respondent no.6 only when the notices issued by this Court and the report was received about the fact of death of respondent no.6. Therefore, delay be condoned and the legal heirs of respondent no.6 brought on record.

6. In spite of notice to the legal heirs, no one appeared.

7. The reasons disclosed in the present application from para nos.3 onwards are sufficient enough to condone the delay, set aside the abatement, if any and allowed the application for bringing legal heirs of deceased respondent no.6 on record. Hence the order :

ORDER

- (i) The application stands allowed.
- (ii) The delay is condoned, abatement, if any is set aside and the legal heirs of respondent no.6 is permitted to be brought on record.
- (iii) Amendment to be carried out within 14 days in the cause title.
- (iv) The application stands disposed of.

(BHARAT P. DESHPANDE, J.)