

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3119 OF 2023 IN
SECOND APPEAL NO. 1614 OF 2005

Laxman S/o Tima Dandgule & another Applicants

Versus

Hariba S/o Goma Pawar & others Respondents

Mrs. M. A. Kulkarni, Advocate for the applicants.
Mr. Ajay Shinde, Advocate for respondent No. 4.

CORAM : R. M. JOSHI, J.
DATE : 13th MARCH, 2023.

PER COURT :

1. This application is filed for condonation of delay in bringing legal heirs of deceased respondent No. 2 on record and for setting aside abatement.

2. It is contended in the application that due to mistake of the advocate's clerk, the application could not be filed in time. Learned counsel for the applicant states that owing to the Covid-19 pandemic, no immediate steps could be taken in that regard.

3. Learned counsel for respondents objects to grant of application and states that in the event the application is allowed, appropriate cost may be awarded.

4. It does not seem that there were any malafides on the part of the applicant in not bringing legal heirs of deceased respondent on record in time. Hence, application is allowed. Delay occurred in preferring the application stands condoned. Abatement is set aside. Legal heirs of deceased respondent be brought on record. Amendment be carried out within two weeks.

5. Civil application stands disposed of.

(R. M. JOSHI)
Judge

dyb