

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

CIVIL APPLICATION NO. 2377 OF 2023
IN SA/428/2018

AHMADKHAN HUSAINKHA PATHAN AND OTHERS
VERSUS
MOHAMAD MOIJODDIN IMAMODDIN DIED LRS. SHAIKH
KAISARI B OTHERS

Advocate for Applicants : Mr. Syed G.R.
Advocate for Respondent Nos. 1/A to 1/F : Mr. A.N. Ansari

CORAM : R.M. JOSHI, J.
DATE : 26th April, 2023

PER COURT :

1. This application is filed for condonation of delay of 1124 days to bring LRs of deceased respondent on record.

2. It is the contention of appellants that the sole respondent died at Aurangabad and since the appellants have residence at Ashti, they had no knowledge about death of respondent. It is only after getting the copy of application for heirship certificate, it was revealed to the applicants that respondent has died on 28th September, 2019.

3. Learned counsel for the appellants states that the delay caused for bringing LRs of the deceased on record is not deliberate. Hence, Civil Application deserves to be condoned.

4. Learned counsel for the proposed respondent i.e. LR of deceased sole respondent opposed the application on the ground that no sufficient explanation is given for condonation of delay.

5. Perusal of the application shows that for want of knowledge of the factum of the death of deceased respondent, application could not be filed in time. No malafides can be attributed to the appellants for not taking steps to bring LR of deceased respondent on record in time. No prejudice can be caused to the proposed LR, if the delay is condoned.

6. Hence, Civil Application stands allowed in terms of prayer clause 'b' to 'd'.

7. Amendment be carried out within a period of two weeks.

[R.M. JOSHI, J.]