

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12986 OF 2019 IN
FIRST APPEAL NO. 571 OF 2007

Dnyandeo Pandurang Labade
(Deceased through LRs) & others

Applicants

Versus

The State of Maharashtra

Respondent

Mr. Rohit Dhogde, Advocate holding for Mr. S. D. Kulkarni, Advocate
for the applicants.

Mr. S. D. Ghayal, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 15th FEBRUARY, 2023.

PER COURT :

1. Heard.

2. This is an application for setting aside abatement, bringing on record legal heirs of deceased appellant No. 1 and for condonation of delay of 1298 days occurred in preferring the application.

3. Learned counsel for the applicants submits that appellant No. 1 died on 12th May, 2013. Death certificate filed on record confirms the date of death of the deceased.

4. Perusal of the application shows that for want of knowledge about pendency of the appeal, the applicants could not bring themselves on record. Delay caused in filing the application is not deliberate. In the result, application stands allowed in terms of prayer clauses 'A' to 'C'. Delay caused in filing the application stands condoned. Abatement of first appeal is set aside. Legal heirs of deceased appellant No. 1 be brought on record. Amendment be carried out within two weeks.

5. Civil application stands disposed of.

(R. M. JOSHI)
Judge

dwb