

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

**CIVIL APPLICATION NO. 7901 OF 2022
IN
FIRST APPEAL NO. 878 OF 2005**

Digambar Gopalji Raval
Since deceased through his L.Rs.
Kalapi Digambar Raval and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Aniruddha S. Usmanpurkar, Advocate for the Applicants.
Shri P. K. Lakhotiya, A.G.P. for the Respondent No. 1.
Shri S. V. Kshirsagar, Advocate h/f Mrs. M. A. Deshpande,
Advocate for the Respondent No. 2.

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 07TH JUNE, 2023.**

FINAL ORDER :

. Heard.

2. Present civil application is filed for bringing legal heirs of deceased Digambar Gopalji Raval on record of First Appeal No. 878 of 2005.

3. Learned advocate appearing for the applicants would submit that first appeal filed by the deceased original appellant is already admitted. The applicants were not aware about the pendency of proceedings. The deceased Digambar was looking

after the litigation. He died on 28.08.2016 due to old age. After getting knowledge of the present proceedings, applicants approached the advocate and took necessary steps to implead them as legal heirs in the first appeal. He would submit that the delay caused in filing present application is not intentional and attributed to the reasons as stated in para No. 6 of the application.

4. Learned advocate appearing for the respondents do not dispute the aforesaid aspect of the matter.

5. Considering submissions advanced, the case is made out to condone the delay as well as permit the applicants to be taken on record as legal heirs of the deceased Digambar Gopalji Raval of the first appeal. The civil application is allowed in terms of prayer clauses B and C. Amendment to be carried out within a period of fourteen (14) days from today. The civil application is disposed of.

[S. G. CHAPALGAONKAR, J.]

bsb/June23