

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

935 CIVIL APPLICATION NO.3505 OF 2019 IN SA/642/2018

ARVIND PURSHOTTAM DESHPANDE (DIED) LRS SACHIN AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellants : Mr. Deshpande Dhananjay P
AGP for Respondents: Mrs. P.V. Diggikar

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: July 27, 2023

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PER COURT :-

1. By this application, the applicant seeks to condone the delay of 3991 days caused in filing the application for bringing on record the L.Rs. of deceased respondent no.6 on record of second appeal and also seeks permission to bring those L.Rs. on record.
2. Notice of this application was issued and served to the respondents. However, none appears to contest this application.
3. Mr. Deshpande, learned counsel appearing for the applicants invites attention of this Court to the pleadings in paragraph no.1 to 7 to contend that the applicant was not aware about death of respondent and so also the LRs. When this court issued notices to the respondents in the year 2018 and report of the said notice received with remark of the bailiff, the applicants got knowledge about death of respondent no.6. In that view of the matter, delay is occurred which is not intentional one.

aaa/-

4. Having considered the submissions advanced and the fact that there is no contest to the pleadings in the application, the application deserves to be allowed. Hence, order

ORDER

- i. The application is allowed.
- ii. Delay of 3991 days caused in filing this application is condoned.
- iii. The applicants are permitted to bring on record the legal heirs of deceased respondent no.6 as indicated in the title clause.
- iv. Amendment be carried out within a period of two weeks from today.
- v. C.A. is disposed off.

(S. G. CHAPALGAONKAR, J.)

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