

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

WRIT PETITION NO. 11358 OF 2021

Lahanu Mayanji Zine

.. Petitioner

Versus

Anjanabai Kisan Warule

Since deceased through Lrs

Baban Kisan Warule and others .. Respondents

Shri D. G. Nagode, Advocate for the Petitioner.

Shri Amol K. Gawali, Advocate for the Respondent Nos. 1 to 6.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 05TH JANUARY, 2023.

FINAL ORDER :

. Learned counsel for the petitioner seeks leave to delete the respondent No. 7, as the legal heirs of the deceased respondent No. 7 are already on record. Leave to delete the respondent No. 7 is granted at the risk of the petitioner.

2. Heard learned counsel for the parties.

3. The petitioners are aggrieved by order of 08th December, 2020 passed by the District Judge – 7, Ahmednagar allowing Misc. Civil Appeal No. 112 of 2019 and condoning the delay caused in substituting legal heirs of deceased plaintiff on record.

4. Both parties are *ad-idem* that the impugned order was

passed during the Covid-19 pandemic and learned counsel for parties were unable to attend the proceedings and make necessary submissions before the District Judge.

5. In my view, it would be in the interest of justice to remand the matter to the District Judge - 7, Ahmednagar to hear the parties afresh and pass appropriate orders in accordance with law.

6. Hence following order.

ORDER

- A. The impugned order dated 08th December, 2020 is hereby quashed and set aside.
- B. Misc. Civil Appeal No. 112 of 2019 is restored to the file of District Judge – 7, Ahmednagar.
- C. Parties to appear before the District Judge – 7, Ahmednagar on 18.01.2023.
- D. The District Judge to hear the parties and pass appropriate order in accordance with law.
- E. The writ petition is accordingly disposed of. No costs.

[SHARMILA U. DESHMUKH, J.]