

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

CIVIL APPLICATION NO. 4837 OF 2022 IN CA/4984/2016
IN SA/92/1995

Vanchabai W/o Sridhar Parade @ Bhosale
Through LR's ...Applicants

Versus

Vinayak Tulshirad Parade and Ors ...Respondents

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Mr. Mr. Nitin Jagdale h/f V. D. Salunke, Advocate for
the Applicants.
Mr. G. B. Kingre, Advocate for the Respondent No. 1.

...

CORAM : R.M. JOSHI, J

DATE : APRIL 05, 2023

PER COURT :

1. This application is filed to bring LR's of sole Appellant who died on 20.09.2018 on record. Application came to be filed on 23.01.2022. It is the contention of the Applicants that they had no knowledge about the pendency of the present appeal and they could know about the same only after M.C.A No. 1163/2019 was allowed on 16.11.2021.

2. Learned Counsel for the Respondent opposed the said contention by stating that no sufficient reason is set out for condonation of delay.

3. It is not in dispute that the original appellant was pursuing the present appeal. Application indicates that present applicants came to know about the filing of appeal after passing of order on 16.11.2021 in M.C.A. No. 1163/2019. The Applicants could not have gained anything by not preferring application in time to bring themselves on record in place of deceased appellant. The reason shown by the applicants for not bringing themselves on record deserves acceptance subject to imposition of cost.

4. Hence, the application is allowed in terms of prayer clause 'B' and 'C' subject to payment of cost of Rs. 1,000/- to the Respondent within a period of two weeks. If the cost is not paid or deposited within specified period, this order shall stand vacated without reference to the Court. If cost is paid within time, amendment to be carried out within one week thereafter.

(R.M. JOSHI, J.)

Malani