

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

**CIVIL APPLICATION NO. 6604 OF 2022
IN
SECOND APPEAL NO. 310 OF 2002**

Mohanrao Gopalrao Kulkarni

.. Applicant

Versus

Mohd. Sharif Mohiyoddin

(Deceased through L.Rs.)

Sharifabee Mohd. Sharif Qureshi and others

.. Respondents

Mr. P. P. Patil, Advocate h/f Mr. A. S. Bajaj, Advocate for the Applicant.

Mr. R. T. Nagargoje, Advocate for Respondent No. 1.

Mr. S. U. Shaikh, Advocate for Respondent Nos. 1B to 1F.

CORAM : KISHORE C. SANT, J.

DATED : 13th OCTOBER, 2023.

P. C. :-

. This application is filed for bringing legal heirs of deceased respondent No. 1. - Mohd. Sharif s/o Mohiyoddin on record who died on 12.02.2007. His wife late Sharifabee also died on 11.08.2013. There is delay of 5518 days in bringing legal heirs on record.

2. It is stated in the application that, though the respondent No. 1 died long back there was no intimation given of death to the present applicant. He could not get the knowledge of death. He came to know only after information is given by the learned advocate for other side.

Thereafter, he has immediately filed this application.

3. Considering that, the second appeal is pending since 2002 this Court finds that, there was no reason for the applicant to make enquiry about whereabouts and other information of the respondents. This Court finds that, delay needs to be condoned in the interest of justice since the appeal is already admitted.

4. For the above said reason, the delay stands condoned. The civil application is allowed.

5. The applicant to carry out the amendment within a period of two (02) weeks from today.

6. With this, the civil application stands disposed off.

7. The appearance of Mr. Nagargoje, learned advocate is discharged as other learned advocate has already appeared and filed his Vakalatnama.

(KISHORE C. SANT, J.)

PS.B.