

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

**34 CIVIL APPLICATION NO.8098 OF 2022
IN CA/7468/2018**

**SARASWATIBAI TANAJI GAVHANE AND ORS
VERSUS
TANAJI BABURAO GAVHANE AND ORS**

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Advocate for Applicants : Mr.Raut Avinash N
Advocate for Respondent No. 11 in SA(ST) : Mr. S.M. Gunkjar h/d
Mr.S.R. Deshpande
Advocate for Respondent Nos. 1-a to 1-d : Mr.S.N. Boiwar ,

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**CORAM : KISHORE C. SANT, J.
DATE : 07.09.2023.**

PER COURT :

1. Heard the parties for some time. This application is filed seeking condonation of delay of 4030 days caused in filing an application for bringing the legal representatives on record. The respondent No. 2a is dead. In fact, he died even prior to filing of this appeal and during the course of pendency of the Regular Civil Appeal before the appellate Court. However, the same is inadvertantly shown in the Civil application that the appeal is filed before this Court and thus the delay is caused.

2. An application is vehemently opposed by the respondents stating that there are no sufficient reasons shown for condonation of delay. The only reason stated is that the

applicant came to know the fact of death only in April, 2019 and prayed for rejection of the application.

3. On going through the application, this Court finds that though the knowledge was received by the applicant in April, 2019, still he has mentioned the cause of the National Lok Adalat and in view of Covid-19 (Pandemic) he could not file application earlier. However, the National Lok Adalat started in March, 2020 i.e. much after the date of alleged knowledge to the applicant. Even thereafter, an application was filed in March, 2022.

4. This Court finds for the balance of equity, the application deserves to be allowed with costs.

5. The application is thus, allowed subject to costs of Rs. 5,000/- (Rs. Five Thousand), to be paid to the Legal Aid Center, of this Court within two weeks. After the costs is deposited the applicant to carry out the amendment in the application and appeal.

**(KISHORE C. SANT)
JUDGE**

mahajansb/