

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

7 CIVIL APPLICATION NO.7948 OF 2022 IN FA/583/2010

MARUTI DHONDIBA KENDRE, PANDHARI, GUNABAI (DIED) THR
LRS. DAYARAM PANDHARI KENDRE AND OTHERS
VERSUS
THE EXE. ENGINEER LATUR MED. PRO. DIV., LATUR AND
ANOTHER

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Advocate for Applicants : Mr. Shankar Kendre h/f R.P. Adgaonkar
AGP for Respondents : Mr. S.S. Dande

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 17, 2023

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PER COURT :-

1. By this application, the applicants seek permission to bring them on record as legal heirs of deceased respondents.
2. Learned counsel appearing for the applicants points out that initially Maruti Kendre was party in the appeal. He died. His son Pandhari Mrauti Kendre was brought on record. He expired during pendency of the appeal. His wife Gunabai Pandhari Kendre is also expired. He would further point out that the Advocate, who was representing the appellants also expired. In that view of the matter, there was communication gap. After getting knowledge of the of the proceeding, this application is filed.
3. Learned AGP appearing for respondent no.2 opposes the application stating that there is inordinate delay.
4. Notice of this application is served upon respondent no.1. However, none appears.
5. Avernments in the application are uncontroverted.

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6. In that view of the matter, case is made out to condone the delay and grant prayers of this application. Hence, the order.

ORDER

i. Civil application is allowed in terms of prayer clause 'B' and 'C' and disposed off accordingly.

ii. The appellants to carry out amendment within a period of 14 days from today.

(S. G. CHAPALGAONKAR, J.)

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