

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.8351 OF 2022
IN SA/677/2012**

DADA BHAGA NILE, DIED THR. L.RS. AJIT @ RAMESH AND
ORS
VERSUS
NIVRUTTI YADAV NILE DECEASED LRS. MADHURI AND
ORS.

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Mr. A. N. Nagargoje, Advocate for the Applicants.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11th AUGUST, 2023.

PER COURT:-

1. Heard Mr. Nagargoje, learned Advocate appearing for the applicants.

2. Mr. Kakade, learned Advocate appearing for the respondent submits that he has no more instructions to appear and seeks discharge. He points out that the notice of this application is served by paper publication to the respondent and they are at liberty to engage any Advocate as per their choice.

3. The applicants are praying for permission to bring on record the legal heirs of deceased appellant no.3, who died on 21.05.2021 as well as legal heirs of sole respondent, who died on 26.03.2018.

4. Mr. Nagargoje, learned Advocate appearing for the applicants invites attention of this Court to the reasons as stated in the paragraph nos.3, 4 and 5 to submit that the delay caused in

filing the application is unintentional and applicants were not aware about the death of sole respondent, who was residing at Bombay. As soon as information received, the present application is filed. As such, he submits that the delay is sufficiently explained.

5. Since the contents of this Application are uncontroverted, the application deserves to be allowed. Hence, the following order:

ORDER

- a. Civil Application is allowed in terms of prayer Clauses 'A', 'B', 'C' and 'D'.
- b. The applicants to carry out amendment within a period of 14 days from today.
- c. Once the amendment is carried out, issue notice to the legal heirs of respondent no.1, returnable on 29.09.2023. Thereafter, the appearance of Mr. Kakade is discharged.
- d. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE