

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

**936 CIVIL APPLICATION NO.5210 OF 2023
WITH
WP/3097/2003
WITH
WP/3097/2003**

**BABRUWAN GANPU INGLE DIED THROUGH LRS CHATURABA
BABRUWAN INGALE AND OTHERS
VERSUS
KISANLAL FATECHAND LODHA DIED THROUGH LRS MADANBAI
KISANLAL LODHA AND ANOTHER**

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Advocate for Applicants: Mr. Tapse Ashok R

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06th SEPTEMBER, 2023

PER COURT:

1. Heard the learned counsel for the applicants / petitioners. The Civil Application No.5210 of 2023 is moved for bringing the legal heirs of deceased respondent no.2-A on record along with delay of 1436 days. The learned counsel for the applicants / petitioners submits that, when the matter was listed for final hearing on 07.03.2022 before this court, the learned counsel appearing for respondents no.2-A to 2-C made a statement that respondent no.2-A namely Ratnabai

has expired. The learned counsel for the applicants / petitioners, thereafter, sought time to take steps against the deceased respondent and could not get the death certificate and names of the legal representatives in spite of search. The learned counsel for the applicants / petitioners submits that on 29.03.2023, the learned counsel for respondent no.2A has provided death certificate and details of the legal heirs of the deceased respondent. Thereafter, the applicants / petitioners have filed the present civil application to bring the legal heirs of the deceased respondent no.2-A on record.

2. For the reasons stated above, the delay of 1436 days occurred in bringing the legal heirs of deceased respondent no.2-A is condoned. The civil application is allowed and disposed of. Necessary amendment to be carried out within a period of three (03) weeks from today.

3. Fresh Notice in the main petition to the legal representatives of respondent no.2-A, returnable on 18.10.2023.

[ARUN R. PEDNEKER, J.]

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