

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9455 OF 2019 IN
FIRST APPEAL NO. 4164 OF 2016

The Chief Officer Municipal Council
Tuljapur

Applicant

Versus

Surekha w/o Rajendra Sonji & others

Respondents

Mr. J. R. Patil, Advocate holding for Mr. K. K. Kulkarni, advocate for
the applicant.

Mr. P. G. Borade, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 15th FEBRUARY, 2023.

PER COURT :

1. This is an application for bringing on record legal heirs of deceased respondent No. 3 and for condonation of delay caused in filing the application.

2. Learned counsel Mr. Patil holding for Mr. Kulkarni, learned counsel for the applicant submits that the delay caused in bringing legal heirs of deceased respondent No. 3 is not deliberate.

3. Applicant is a Municipal Council and could not have gained anything by not bringing legal heirs of deceased respondent

No. 3 on record in time. No prejudice will be caused to the respondents if abatement is set aside.

4. In the circumstances, application is allowed in terms of prayer clauses 'B' and 'C'. Delay caused in filing the application for bringing on record legal heirs of deceased respondent No. 3 is condoned. Abatement is set aside. Legal heirs of deceased respondent No. 3 be brought on record. Amendment be carried out within two weeks.

5. Civil application stands disposed of.

(R. M. JOSHI)
Judge

dyb