

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

**CIVIL APPLICATION NO.9856 OF 2022
IN SA/696/2016**

**SHRIRANG KERBA YADAV DIED LRS VINAYAK AND ORS
VERSUS
GOROBA ABA SUKALE AND ORS**

...

Mr. N. G. Talekar, Advocate for the Applicants.

Mr. N. U. Yadav, Advocate for Respondent Nos.1 to 3.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 31st JULY, 2023.

PER COURT:-

1. By this application, the applicants seek permission to bring on record the legal representatives of deceased respondent no.1-Goroba Aba Sukale, who died on 13.02.2017 during the pendency of this second appeal.

2. The notice of this application is served upon the respondents, however, none appears.

3. The learned Advocate appearing for the applicants invites attention of this Court to paragraph no.3 of the application and submits that although respondent no.1- Goroba Aba Sukale died on 13.02.2017, the intimation as per Order XXII Rule 10-A of the Code of Civil Procedure was not served upon the appellants. The appellants were not having knowledge about the death till the year 2022. Upon receiving such information the applicants collected death certificate and the information regarding legal

heirs and filed this application. The contention of the applicants is that the delay is not intentional, but on account of the aforestated reasons.

4. Considering the submission advanced and uncontested pleadings in the application, the application deserves to be allowed. Hence, the following order:-

ORDER

- a. Civil Application is allowed in terms of prayer Clause 'B', 'C' and 'D'.
- b. The appellants to carry out the amendment within a period of 14 days from today.
- c. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE