



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

**CIVIL APPLICATION NO.6878 OF 2023  
IN SA/552/2006**

**BABRUWAN TULSHIRAM KIRWALE AND ANR  
VERSUS  
BABU MARUTI KIRWALE AND ORS**

...  
Advocate for Applicants : Mr. Mandlik Pratap Pravin  
....

**CORAM : S. G. MEHARE, J.**

**DATE : 08.12.2023**

**PER COURT :**

1. This is an application for condonation of delay for bringing the legal heirs of respondent on record.
2. The proposed legal heirs of respondent No.2 were served but they did not appear. Hence proceed ex-arte against them.
3. There is huge delay of bring the legal heirs of deceased respondent No.2 on record. However, the reason assigned for the delay appears plausible. No harm would be caused to the proposed legal heirs of respondent No.2.
4. The learned counsel for the appellants states that respondent No.4 has been died. However, his legal heirs are already on record.

Hence, no need to bring their legal heirs on record. Hence, the following order :-

**ORDER**

- (i) The application is allowed.
- (ii) Delay is condoned. The abatement order is also set aside.
- (iii) The legal heirs be brought on record by way of carrying amendment on or before 18.01.2024.
- (iv) After bringing the legal heir of respondent No.2 on record, the fresh notice be issued to them returnable on 6<sup>th</sup> February, 2024.

**( S. G. MEHARE )**  
**JUDGE**

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