

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.9617 OF 2023
IN FA/865/2004**

MOHAMAD SHAFI HAJI SULTAN
VERSUS
BAJIRAO APPARAO ARBANE DIED THR LRS RAGHUNATH
BAJIRAO ARBANE AND ORS

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Mr. M. K. Deshpande, Advocate for the Applicant.
Mr. B. B. Gunjal, Advocate for Respondent No.2.
Mr. Sudhir V. Kulkarni, Advocate for Respondent No.3.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04th AUGUST, 2023.

PER COURT:-

1. Leave to amend and add prayer for delay condonation.
2. Heard learned Advocate appearing for the applicant and respondents.
3. The applicant seeks permission to bring the legal heirs of respondent no.1 on record in the pending appeal. There is delay of 5505 days in filing this application. The applicant submits that the appeal was admitted in the year 2004 and when it came for final hearing, the learned Advocate appearing for respondent no.1 given intimation about on 11.04.2023 regarding death of respondent alongwith death certificate. Immediately, after getting knowledge, the present application is filed.
4. Although, delay appears to be huge, but for the reasons as stated above, it deserves to be condoned. Further the

applicant is permitted to bring on record the legal heirs of deceased respondent nos.1 and 2 as prayed. Hence, the following order:-

ORDER

- a. Civil Application is allowed.
- b. Delay of 5505 days caused in filing the present application is condoned.
- c. The applicant is permitted to bring on record respondent nos.1A and 1B as legal heirs of respondent no.1 Bajirao Apparao Arbane.
- d. Amendment to be carried out within a period of 14 days from today.
- e. If amendment is carried out within stipulated period, issue notice to the legal heirs of respondent no.1, returnable on 15.09.2023.
- e. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE