

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

948 CIVIL APPLICATION NO.9728 OF 2012
IN SECOND APPEAL NO.213 OF 1997

BABURAO KARBHAI GHODAKE DIED THROUGH L.Rs.
SANTABAI BHAURAO GHODKE & OTHERS
VERSUS
RADHABAI PANDURANG WARULE DIED THROUGH L.Rs.
RADHAKISAN PANDURANG WARULE & OTHERS

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Advocate for the applicants : Mr.M.M.Patil (Beedkar)
Advocate for Respondent nos.3 and 6 : Mr.C.C.Deshpande
h/f.Mr.C.R.Deshpande

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CORAM : ARUN R. PEDNEKER, J.

DATE : 16.06.2023

P.C. :

1] The present Civil Application is filed to bring on record the legal heirs of the deceased respondent no.2, namely, Godabai Vinayak Pawar by condoning the delay of 4072 days in filing the present Civil Application.

2] The legal heirs of respondent no.2 i.e. 2A to 2D are served.

3] The learned counsel for the applicants submits

that the legal heirs of the deceased applicants were not aware about the pendency of the litigation and they came to know about the litigation when the bailiff of the Court had visited for service of notice, intimating that, his Advocate on record is elevated as the Judge of the High Court. Thereafter, the applicants received information as regards demise of the respondent no.2. The delay caused is not intentional or deliberate. Therefore, the learned counsel submits that the delay caused in filing the present Application may be condoned in the interest of justice.

3] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. The abatement, if any, is set aside. Accordingly, Civil Application is disposed of. Necessary amendment to be carried out.

[ARUN R. PEDNEKER]
JUDGE

DDC