

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3996 OF 2009
IN SA/212/2008 WITH CA/3142/2008 IN SA/212/2008

SHIVAJIRAO SHANKARRAO DESHMUKH
VERSUS
BAPUSAHEB DADASAHEB ADKINE AND ORS

...
Advocate for Applicant : Mr. A. P. Bhandari
Advocate for Respondents : Mr. Satyajit Bora
...

CORAM : R.M. JOSHI, J

DATE : APRIL 05, 2023

PER COURT :

1. This application is filed to condone the delay of 174 days in bringing LR's of deceased Respondent No. 2 on record. It is contended by the Applicant that the Respondent No. 2 died on 20.02.2008. According to the Applicant knowledge about the death of deceased Respondent was got only when notice to the Respondent No. 2 was returned unserved indicating the said reason. Thereafter, for want of address the application could not be filed in time and for these reason the delay has caused.

2. Learned Counsel for the proposed LR's opposed the said contention on the ground that the reason mentioned in the application is not sufficient for

condoning the delay.

3. Perusal of the application shows that the reason has been assigned for not preferring the application in time, no malafides can be attributed to the Applicant for not taking steps in bringing LR's of deceased on record. No prejudice will be caused if application is allowed. Hence, application is allowed in terms of prayer clause 'B' and 'C'. Amendment to be carried out within a period of two weeks.

(R.M. JOSHI, J.)

Malani