

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 SECOND APPEAL NO.124 OF 1993
WITH CA/8602/2023 IN SA/124/1993 WITH CA/8618/2023 IN
SA/124/1993

LAXMAN RAM BIRADAR and OTHERS.
VERSUS
MAHADU RAM BIRADAR and ANOTHER.

...

Advocate for Appellants : Mr. Dawalkar Parikshit P.
Advocate for Respondents No.1, 2A to 2F : Mrs. Rekha Choudhari h/f
Mr. S. S. Choudhari

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10/08/2023

PER COURT :

Civil Application No.8618 of 2023, filed to bring on record the legal heirs of deceased appellant No.2. There is delay of 8997 days, in filing the application.

2. The learned Advocate for the appellants/applicants submits that in respect of the appellant No.2 the delay has occurred on account that the matter was admitted and pending for final hearing. Though when the matter was listed on the board for final hearing, their advocate informed them by letter that he is withdrawing his appearance, thereafter they engaged another advocate but later on she also informed that she cannot appear in the matter, and hence, they

engaged the present lawyer in the month of May 2023 and during the course it transpired that the appeal is abated against appellant No.2 and they have to file civil application to bring legal heirs on record.

3. In view of the submissions made, the application for condonation of delay is allowed and disposed of.

4. The legal heirs of appellant No.2 be brought on record within a period of two weeks

5. Civil Application No.8602 of 2023, is filed to bring on record legal heirs of deceased appellant No.3. There is delay of 442 days to bring on record the legal heirs. For the reasons stated in the application, the delay of 442 day in filing application is condoned. The application is allowed and disposed of.

6. Legal heirs of deceased applicant No.3 be brought on record within a period of three weeks.

7. The second appeal is to be listed for hearing on 07/09/2023.

(ARUN R. PEDNEKER, J.)

vj gawade/-.