

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

**44 CIVIL APPLICATION NO. 10800 OF 2023
IN SA/242/2000**

**DEUBAI BABAN AGARKAR DEAD THROUGH LR VIMALBAI W/O
DAMODHAR SALUNKE
VERSUS
RAMBHAU NARAYAN AGARKAR AND ORS**

...
Advocate for Applicant : Mr. Yuvraj Kakade h/f Mr.Nitin V. Gaware,
Mr.J.H.Deshmukh and Mr.S.E.Bangar.
Advocate for Respondent Nos. 3 & 4 : Mr. A.B.Parde h/f Mr.G.G.
Suryawanshi and Mr.J.N. Singh
...

CORAM : KISHORE C. SANT, J.

DATE : 28.08.2023.

PER COURT :

1. Heard the parties. This application is for bringing the Legal representatives of the deceased appellant/applicant on record and for setting aside the abatement order. The deceased appellant/applicant died on 01.01.2020. However, since the appeal is already admitted, there was no communication between the appellant/applicant and her lawyer. The appeal was initially filed by the lawyer, who is now no more and for that reason there was no contact with her. Lateron, the learned Advocate who was engaged to look after the appeal also shifted

to Mumbai and for that reason also the appellant could not immediately contacted the lawyer as it was difficult to get his fresh address. After the communication is established she informed the lawyer about the death of the original appellant/applicant. For these reasons it is stated that the delay of 1241 days is caused. For the reasons stated above, this Court finds that the case is made out for condonation of delay. Hence following order :

ORDER

- (a) The Civil Application stands allowed and disposed off.
- (b) Delay of 1241 days stands condoned.
- (c) The order of abatement stands set aside.
- (d) The appellant to amend the title clause and shown herself as legal representatives of the deceased appellant within two weeks.
- (e) After carrying out the amendment in title clause, place the appeal for final hearing on 25.09.2023.

**(KISHORE C. SANT)
JUDGE**

mahajansb/