

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14733 OF 2013 IN
SECOND APPEAL ST. NO. 8552 OF 2010

Dattoba Jaiwant Kale
(Deceased through LRs)

Applicants

Versus

Suresh s/o Bburao Zalke & others

Respondents

Mr. M. M. J. Baig, Advocate holding for Mr. S. B. Ghute, Advocate for
the applicants.

CORAM : R. M. JOSHI, J.

DATE : 27th MARCH, 2023.

PER COURT :

1. This application is for condonation of delay of 1966 days caused in bringing legal heirs of deceased respondent No. 3 on record and for setting aside abatement.

2. Respondents are duly served but failed to appear to resist the application. This indicates that these respondents are not inclined to oppose the application.

3. Applicants have specifically stated the reason for not taking steps to bring legal heirs of deceased respondent No. 3 on

record. This Court finds that no malafides can be attributed to the applicants for causing delay in bringing legal heirs of deceased respondent No. 3 on record. For the reasons mentioned in the application, the same is allowed in terms of prayer clauses 'A' and 'B'. amendment be carried out within a period of two weeks.

4. On carrying out amendment, issue notice to the legal heirs of deceased respondent No. 3 returnable four weeks thereafter.

(R. M. JOSHI)
Judge

dyb