

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15541 OF 2022 IN
CIVIL APPLICATION NO. 9126 OF 2022 IN
SECOND APPEAL NO. 218 OF 2018

Prabhakar Shivshankarappa Tale
(Deceased through LRs)

Applicants

Versus

Maharudra Ganpatiappa Tale
(Deceased through LRs) & others

Respondents

Mr. M. S. Kulkarni, Advocate for the applicants.

Mr. S. R. Bagal, Advocate for respondents No. 1 and 3.

CORAM : R. M. JOSHI, J.

DATE : 10th APRIL, 2023.

PER COURT :

1. Learned counsel for applicants seeks leave to amend the application by incorporating number of days of delay. Leave granted. Amendment be carried out forthwith.

2. This is an application for condonation of delay of 1520 days caused in bringing legal heirs of deceased respondent No. 1B on record. According to the applicants, deceased died on 11th May, 2018. According to them, they were not aware about the death of the deceased until notice in restoration application was issued to them.

3. In spite of service of notice to the proposed legal heirs of deceased respondent No. 1B, none appears for them. This indicates that they have no inclination to oppose the application.

4. Perusal of application shows that delay is not deliberate. In the absence of any malafides on the part of applicants, there is no reason for not condoning delay. Hence, application stands allowed in terms of prayer clauses 'A(i) and A(ii)'. Delay caused in filing the application stands condoned. Legal heirs of deceased respondent No. 1B be brought on record. Amendment be carried out accordingly.

(R. M. JOSHI)
Judge

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CORAM : R. M. JOSHI, J.
DATE : 10th APRIL, 2023.

PER COURT :

1. Learned counsel Mr. Bagal waives service of notice on behalf of respondents No. 1 and 3.
2. Issue notice to remaining respondents returnable on 5th June, 2023.

(R. M. JOSHI)
Judge