

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CIVIL APPLICATION NO.5323 OF 2015
IN SA/128/1993 WITH SA/205/1993 WITH CA/1844/1993 IN
SA/205/1993

JAIBAI RANGNATH KESKAR AND ANOTHER.
VERSUS
GANGUBAI BHANUDAS SAKHARE DIED LRS NARAYAN AND OTHERS

...
Advocate for Applicants : Mr. M. A. Tandale Manoharrao
Advocate for Respondent No.1A : Mr. B. A. Darak

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 15th June, 2023

PER COURT :

1. The learned Advocate appearing for the respondent submits that he has filed a Second Appeal No.205 of 1993 in which the deceased respondent No.1 were brought on record long back i.e. nearly about six to seven years back with notice to the Advocate appearing for the applicants on 22/02/2007, and that the applicants have knowledge of the death of the Gangubai and were aware of the demise and delay of 7 years 296 days in filing of this application for condonation of delay is erroneous.
2. The learned Advocate appearing on behalf of the applicants submits that there is a change of Advocate and the appeal also has been pending for a long period of time from 1993. so also, there is a cross second appeal filed. Both the second appears are filed and the legal heirs of the appellant remained to be brought on record. Both

the second appears are pending for long period of time. In the interest of justice, so as not to deprive the right of the appellant, the application is allowed subject to cost of Rs.15,000/- (fifteen thousand) to be paid to the respondent, within a period of four weeks from today. The cost can be deposited with the Advocate for respondent for which a receipt to be given by the Advocate for the respondent.

3. After payment of the cost by applicant to the learned Advocate for respondent the receipt to be filed in the Registry. Issue notice to the respondent, thereafter.

4. In view of the above, delay is condoned, civil application is allowed and disposed of subject to the payment of the costs as above.

5. The learned Advocate for the applicant to carry out amendment to bring the legal heirs of deceased respondent No.1 on record within a period of three weeks from today.

6. The learned Advocate Mr. B. A. Darak submits that he would appear for all the legal heirs of deceased respondent.

7. List the matter on 27/07/2023.

(ARUN R. PEDNEKER, J.)

vj gawade/-.