

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 16138 OF 2022
IN
SECOND APPEAL NO. 138 OF 2020

Suresh Waman Solane and Ors. ... Applicants

Versus

Tukaram Mahipati Solane and Ors. ... Respondents

...

Mr.A.C. Vasmatkar h/f. Mr. S.N. Janakwade – Advocate for Applicants

Mr.R.D. Kawade – Advocate for Respondent Nos.1 to 4 and 5-A to 5-F

....

CORAM : GAURI GODSE, J.

DATE : 24th February, 2023

PER COURT :

1. This Civil Application is filed for bringing on record names of heirs and legal representatives of deceased respondent no.5.
2. The heirs and legal representatives of deceased respondent no.5 are represented through advocate.
3. Learned counsel for respondent nos.5-A to 5-F submit that, application do not explain reasonable ground for condonation of delay and hence, heavy costs be imposed on the applicants.
4. Perusal of the application shows that, there is no intimation filed under Order XXII Rule 10-A intimating death of respondent no.5.

5. The Civil Application in detail explains the reasons for condonation of delay. Reasons given in the application are satisfactory and condonable. Hence, there is no reason to impose costs on the applicants as submitted by learned counsel for respondent nos.5-A to 5-F.
6. For the reasons stated in the application, it is allowed in terms of prayer clauses 'B' and 'C':
 - “B. This Hon’ble Court may be pleased to condone the delay of 733 days for filing application of bringing legal heirs on record of respondent no.5 before this Hon’ble court.
 - C. This Hon’ble Court may be pleased to bring legal heirs/representatives of the deceased respondent no.5 namely Sahaji Soalnkar on record of second appeal as shown in Title clause 5-A to 5-F of the application by setting aside abatement in second appeal and also permit to amend the title clause of second appeal and stay application accordingly.”
7. Amendment to be carried out within a period of three weeks from today.

**[GAURI GODSE]
JUDGE**