

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

**31 CIVIL APPLICATION NO.12436 OF 2023
SAYARCHAND MOTILAL JAIN ORS
VS
BHAULAL DAYARAM KUMAVAT AND ORS**

Mr. V. J. Dixit, Advocate for the applicants

Mr. D. P. Palodkar, Advocate for the respondent Nos. 1-A, 1-C, 1-D, 1-E

CORAM : KISHORE C. SANT, J.

DATE : 11th OCTOBER, 2023

P. C.

1. The application is for bringing legal heirs of deceased respondent No.1-b Pravin Kumawat on record. While filing the application there is delay of 3621 days. It is stated in the application that though respondent No.1-b expired on 12-08-2023 the applicants were not aware about death. It is only on filing of pursis on 11-07-2023 by the respondents, the applicants got knowledge of death of respondent No.1-b. Therefore, there is delay. The delay is not deliberately.

2. It is submitted that from the date of pursis

/intimation the application is filed well within limitation.

3. Considering the above factor, the application stands allowed by condoning the delay.
4. Necessary amendment be carried out within two weeks.
5. The order of abatement is set aside.
6. Place the appeal in the first week of December, 2023 commencing from 03-12-2023.

[KISHORE C. SANT, J.]

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