

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

**CIVIL APPLICATION NO.16184 OF 2022
IN SA/501/2003**

**BHANUDAS YADAV LABADE and ORS
VERSUS
MANJULABAI DASHRATH BHAGAT DIED LRS. MACHINDRA AND
ORS.**

Mr. G. B. Rajale, Advocate h/f Mr. R.K. Temkar, Advocate for the
applicants

Mr. S. S. Kulkarni, Advocate for respondent Nos.2B1 to 2B4.

CORAM : R. M. JOSHI, J.

DATE : 23rd MARCH, 2023

PER COURT :-

1. This application is filed for condonation of delay of 238 days in bringing LR's of deceased respondent No.2B on record after setting aside the abatement.

2. Learned counsel for the proposed respondents objects to the condonation of delay on the ground that no sufficient reason is made out for condonation thereof. He further states that in connected appeal the LR's of deceased respondent are already brought on record which indicates the knowledge of the present applicant about the said fact. He, therefore, opposes to grant of the application.

3. Since the legal heirs of the deceased respondent No.2B herein are already brought on record in the connected appeal, no

prejudice muchless irreparable loss will cause to the other side if the application is allowed. However, since there is some substance in the contention of the counsel for respondent that the appellant had knowledge about the said fact, application is allowed subject to deposit cost of Rs.2,000/- payable to High Court Legal Services Authority, Sub Committee, Aurangabad within two weeks. In case of failure of the applicant to pay deposit the cost within situated period, this order shall stand recalled without further reference to the Court.

4. On deposit of the cost, amendment to be carried out within four weeks.

(R. M. JOSHI, J.)

ssp