



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

**CIVIL APPLICATION NO. 444 OF 2024
IN
SECOND APPEAL NO. 202 OF 1997**

**LAXMAN BABU NAGARGOJE.
VERSUS
SHIVRAM MAHADU KHADE.**

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Mr. Dhananjay Deshpande, Advocate for appellant
Mr. Kuldeep Choudhari, Advocate h/f Mr. A. V. Thombre, Advocate
for respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 21 MARCH 2024

PER COURT :-

1. Heard the learned Counsel appearing for the respective parties at length.
2. By the present application, the applicant prays for condonation of delay of 13 days caused while filing the application for bringing legal heirs of deceased sole respondent on record as well as setting aside abatement.
3. The applicant states that he is 86 years old and he had no knowledge about death of the respondent and soon after he got

knowledge, he filed the application after obtaining the death certificate from the competent authority. Though the learned Counsel appearing for the respondent objected the application, but I do find that the applicant has sufficiently explained the delay of 13 days caused while filing the application for bringing legal heirs of deceased sole respondent on record.

4. Accordingly, the application is allowed. The delay caused while filing the application for bringing legal heirs of the deceased sole respondent on record, is condoned. The abatement caused is hereby quashed and set aside.

5. The applicant is hereby permitted to bring the legal heirs of respondent sole, on record. Necessary amendment be carried out within a period of 14 days from today.

6. The learned Counsel appearing for the applicant undertakes to pay/affix the deficit Court fees of Rs.40/- on the application, within two weeks.

[Y. G. KHOBRAGADE, J.]

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