



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

**CIVIL APPLICATION NO. 2266 OF 2022
IN SA/621/2021**

WITH

CIVIL APPLICATION NO. 11234 OF 2023

**GANGABAI RAMRAO KOMARWAR DIED LRS. MOHAN RAMRAO
KOMARWAR AND OTHERS**

....Appellants

VERSUS

MUKUND JAGANNA KOMARWAR AND OTHERS

.....Respondents

.....

Mr. Amol S. Gandhi, Advocate for Appellants

Mr. P. R. Katneshwarkar, Advocate for Respondent No.1

Mr. D. M. Shinde, Advocate for Respondent No.4-A, 4-B-I AND 4-C,

CORAM : Y. G. KHOBRADE, J.

Dated : 11th March, 2024

PER COURT :-

1. Civil application No. 2266 of 2022 is being filed by the appellants seeking permission to bring the legal heirs of Respondent Nos.4 and 4B on record. Civil Application No. 11234 of 2023 is filed for bringing the legal heirs of Respondent No.1 on record. Civil application No. 2266 of 2022 is filed within limitation, however, there is delay of 82 days in filing Civil Application No. 11234 of 2023. The Appellants have contended that they were not having knowledge of death of Respondent No.1, however, soon after they received information from the Advocate of Respondent

No.1, the present application has been filed. To my mind, the appellant has substantially explained the delay, which is bonafide. Therefore, the delay caused in filing the application is condoned. The abatement as against Respondent No.1 is set aside.

2. Since the cause of action survives as against the deceased respondents, both the civil applications are hereby allowed. The appellant to carry out necessary amendment on or before 27.03.2024.

3. After the amendment is carried out, the Appeal be listed for admission on 02.04.2024.

(Y. G. KHOBRADE, J.)

JPChavan