

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

**911 CIVIL APPLICATION NO. 4860 OF 2024
IN SA/716/1999
WITH
SECOND APPEAL NO. 716 OF 1999**

**WITH
CIVIL APPLICATION NO. 5354 OF 2024
IN SA/716/1999**

NAMDEO RAJIBA ALIAS RAJABA PHAWADE L.RS. MADHURI
NAMDEO PHAWADE AND OTHERS

VERSUS

BALAJI SHIVAJI PHAWADE AND OTHERS

...

Mr. Patil B.n., Advocate for Applicants

Mr. Sanjay N. Gaikwad h/f Mr. V. V. Patil & Mr. N.V. Gaware,
Advocate for Respondents

....

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 11/06/2024.

P. C. :

1. Heard rival submissions.
2. The applicants in Civil Application No.4860 of 2024, who are the legal representatives of respondent No.2 in the appeal, are seeking permission to bring themselves on record by condoning the delay of 535 days since the respondent No.2 Namdeo died on 15/06/2022.
3. It is significant to note that the present respondent Nos.1 to 4, who are the original appellants, should have brought the

applicants on record, but they did not take any steps to that effect and therefore, the present applicants were constrained to file this application. Considering the right to sue, the application needs to be allowed, but keeping in mind the negligent conduct of respondent Nos.1 to 4, who are the original appellant, certain costs needs to be imposed upon them. In view of the same, the Civil Application No.4860 of 2024 though stands allowed in terms of prayer clause-B & C, but the respondent Nos.1 to 4 being the original appellants, are directed to pay the cost of Rs.1,000/- to the High Court Dispensary, Aurangabad within a period of four weeks.

4. The respondent Nos.1 to 4 are directed to carry out the amendment after deposit of costs. Civil Application No.4860 of 2024 is accordingly disposed of.

5. List connected matters on 09/07/2024.

(SANDIPKUMAR C. MORE, J.)