



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

**CIVIL APPLICATION NO. 4504 OF 2021
IN SA/451/1995**

**RATAN KONDIRAM WAGHMARE DECEASED LRS. UTTAM RATAN
WAGHMARE
VERSUS
DIVAKAR KONDIRAM WAGHMARE DECEASED LRS. DILIP DIVAKAR
WAGHMARE AND OTHERS**

Mr. H. D. Deshmukh, Advocate for the applicant
Ms. P. R. Karpe, Advocate h/f Mr. V. S. Bedre, Advocate for respondent
Nos. 1-A to 1-C.

**CORAM : R. M. JOSHI, J.
DATE : 11th JANUARY, 2024**

P.C. :-

1. Heard.
2. This application is for condonation of delay of 2223 days in bringing LR's of deceased appellant No.1 on record. By amending the application the applicants have pleaded reasons for the delay caused in bringing themselves on record. This Court finds no malafides on the part of the applicants in not bringing themselves on record in time. Appeal is already admitted. In any case appellant No.2 is still alive in order to prosecute the appeal as such no prejudice will cause to the respondents, if the application is allowed. Delay is condoned and abatement is set aside.

3. Hence, application is allowed in terms of prayer clause 'B-1' and 'C'.
Amendment to be carried out within a period of two weeks.

4. Appeal memo be amended by bringing LR's of deceased appellant
No.1 in the place of appellant No.1.

(R. M. JOSHI, J.)

ssp