



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 3172 OF 2024
IN SA/779/2017

SHAMRAO VASUDEORAO DESHPANDE L.RS. SHANTABAI
AND OTHERS

VERSUS

GANPAT BALI RAUT (MALI) AND ANOTHER

...

Mr. Santosh S. Dambe, Advocate for Applicant

Mr. S. S. Dargad, Advocate for Respondent No.1-Absent

CORAM : Y. G. KHOBRAGADE, J.

DATE : 22nd March, 2024

ORDER:

1. Heard learned counsel appearing for the applicant. None appeared for the respondents, though copy of this application is served upon Advocate Shri S.S. Dargad.

2. By the present application, the applicant prays for condonation of delay of 1001 days caused in filing the application for bringing legal heirs of deceased appellant No.1 on record as well as setting aside the abatement and permission to bring the legal heirs of deceased appellant No.1 on record.

3. The reason stated in the application for the delay appears to be bonafide and no prejudice would be caused to the respondents, if the application is allowed.

4. In view of the above, I am inclined to grant the present application and proceed to pass the following order:

ORDER

- (A) Civil application is hereby allowed.
- (B) Delay of 1001 days caused in filing the application for bringing the legal heirs of deceased appellant No.1 on record is hereby condoned.
- (C) Abatement is set aside.
- (D) The applicant is permitted to bring the legal heirs of the deceased appellant on record. Necessary amendment be carried out within seven days.

(Y. G. KHOBRAGADE, J.)

JPChavan