



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 5789 OF 2024
IN SECOND APPEAL NO. 252 OF 2015
WITH
CIVIL APPLICATION NO. 6759 OF 2015 IN SA/252/2015
WITH
SECOND APPEAL NO. 252 OF 2015

VITHABAI KISANAPPA SATHE
VERSUS
KUSHABA MANKUAPPA NAMDE DIED THROUGH L.RS.
KACHRUBAI AND OTHERS

...
Ms. Neha B. Kamble – Advocate for Applicant
Mr. Sameer S. Kurundkar h/f. Mr. A.S. Deshpande – Advocate
for Respondent Nos.1-A, 1-C, 2, 3 and 4
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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 21st June, 2024

PER COURT :

1. Heard rival submissions.
2. Learned Counsel for applicant is seeking permission to bring legal representatives of deceased respondent No.6 – Walhabai w/o. Bhagappa Bhaskar, who admittedly died on 09.04.2013, by condoning the delay of 3992 days.
3. Learned Counsel for some of the respondents strongly

opposed the application, on the ground of huge delay and that respondent No.6 died prior to filing of this appeal.

4. However, considering the right to sue the application stands allowed in terms of prayer clause 'B' subject to cost of Rs.5,500/- (rupees Five Thousand and Five Hundreds only) to be paid to the Registry of this Court for utilization of High Court Dispensary, Bench at Aurangabad within two weeks.

5. Amendment be carried out after deposit of cost.

6. The Civil Application is disposed of accordingly.

7. List the Civil Application No. 6759 of 2015 and Second Appeal No.252 of 2015 on 5th July, 2024.

**[SANDIPKUMAR C. MORE]
JUDGE**