



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10174 OF 2022
IN FA/202/2017 WITH CIVIL APPLICATION NO. 14891 OF 2016
IN FA/202/2017

SUMEDHA SATYENDRA JINDAM AND ANR
VERSUS
RADHABAI SHIVAJI JINDAM AND ORS

Mr. S. B. Ghatol Patil, Advocate for the applicants
Mr. Mr. S. V. Dixit, Advocate for respondent Nos. 1 to 3.

CORAM : R. M. JOSHI, J.
DATE : 8th JANUARY, 2024

P.C. :-

1. This application is for condonation of delay and bringing LR's of deceased respondent No. 4 on record. It is the case of the applicants that they have no knowledge about the death of the deceased and the said knowledge was acquired only after notice was issued with this present appeal. Notice is issued to the proposed respondent i.e. legal heirs of deceased respondent No.4. In spite of service of notice by publication in the newspaper as per order dated 4th November, 2023 none appeared for the proposed respondent. This indicates that he has no inclination to oppose the application.

2. Having regard to the facts and circumstances of the case and since the death of deceased respondent No.4 was not within the knowledge of

the appellant till issuance of notice in the present appeal, it is a fit case to condone the delay and allow the application. Hence application is allowed in terms of prayer clause B. Amendment be carried out within a period of one week from today. List the First Appeal on 18th January, 2024.

(R. M. JOSHI, J.)

ssp