



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11311 OF 2023 IN
SECOND APPEAL NO. 809 OF 1999

Syed Abdul @ Abdulla Syed Imam
(Deceased through LRs) & another

.. Applicants

Versus

Syed Omer Syed Rasool
(Deceased through LRs) & another

.. Respondents

Ms. S. M. Patil, Advcoate holding for Mrs. C. S. Deshmukh, Advocate for the
applicants.

Mr. S. V. Natu, Advocate for respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 30th JANUARY, 2024.

PER COURT :

1. This application is for condonation of delay of 3263 days
in bringing legal heirs of deceased appellant No. 1 on record.

2. Applicants claim that applicant No. 2 is pardanashin and
uneducated lady and except for signing vakalatnama, she has never
prosecuted the appeal. According to the applicants, deceased
appellant No. 1 used to deal in respect of the said litigation with the
lawyer. Later on it was revealed that appeal is admitted. On these
averments, delay is sought to be condoned.

3. Learned counsel for respondent No. 1 opposed the contention by stating that having regard to the facts of the case, it cannot be believed that applicants had no knowledge of the pending proceeding.

4. Second appeal is already admitted. It is a known fact that litigants and lawyers do not remain in contact once the appeal is admitted owing to time taken for final hearing of second appeals. Applicants could not have gained anything by not bringing themselves on record within time. In any case, appellant No. 2 would have prosecuted the appeal. Hence, no prejudice is caused to the respondents if delay is condoned. Hence, application stands allowed in terms of prayer clause 'B' to 'D'. Amendment be carried out within a period of two weeks.

(R. M. JOSHI)
Judge

dyb