



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

74 SECOND APPEAL NO. 715 OF 2005
WITH
CIVIL APPLICATION NO. 6812 OF 2024 IN SA/715/2005
WITH
CIVIL APPLICATION NO. 6813 OF 2024 IN SA/715/2005
WITH
CIVIL APPLICATION NO. 13776 OF 2019 IN SA/715/2005

RATNAMALA DNYANDEO MAKASARE AND ORS
VERSUS
ASHOK BAPURAO PAWAR

...
Advocate for Appellant : Mr. Prashant K. Deshmukh
Advocate for Respondents 1A to 1D : Mrs. Sunita G. Sonawane
...

CORAM : KISHORE C. SANT, J.
Dated : July 16, 2024

PER COURT :-

1. Civil Application No. 6812/2024 is for bringing on record the legal heirs of deceased Shobha Viju Muntode, the appellant No. 4, who died on 30.4.2020. The heirs are shown in para No. 2. There is delay of 1434 days caused in filing the application. The applicants have stated that they had no knowledge of the present proceeding, it is only after they received notice from registry in the name of deceased, they made enquiry and it is for this reason, the delay is caused in filing the application. For the reasons stated in the application, the delay stands condoned. The application is allowed. Necessary amendment be carried out in the title clause of the appeal and applications, if any.

2. Civil Application No. 6813/2024 is for bringing on record the legal heirs of deceased Devanand Yashwant Pawar, the appellant No. 6, who died

on 30.7.2017. The heirs are shown in para No. 2. There is delay of 2439 days caused in filing the application. The applicants have stated that they had no knowledge of the present proceeding, it is only after they received notice from registry in the name of deceased, they made enquiry and it is for this reason, the delay is caused in filing the application. For the reasons stated in the application, the delay stands condoned. The application is allowed. Necessary amendment be carried out in the title clause of the appeal and applications, if any.

3. Civil Application No. 13776/2019 is for fixing early date of hearing of the appeal. Considering that the appeal is of 2005 and the age of the appellant is more than 80 years and now it is the second generation on record, the application is allowed.

4. Place the second appeal for final hearing on 4.9.2024.

(KISHORE C. SANT, J.)

ssc/