



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 CIVIL APPLICATION NO.8344 OF 2023
IN WP/10678/2016

SHAMRAO SANTU METE DIED THROUGH LRS SHIVGANGA DIGAMBAR
DOKE AND OTHERS

VERSUS

UTTARESHWAR GOVINDA METE DIED THROUGH LRS AND OTHERS

...

Mr. R.P. Bhumkar, Advocate for applicants

Respondent No.3 V.G. Mete - party-in-person

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 02nd AUGUST, 2024

ORDER :

1 Heard Mr. R.P. Bhumkar, learned Advocate appearing for applicants and Mr. V.G. Mete – party-in-person.

2 It appears that applicant No.2 - Sudam Santu Mete expired on 15.11.2017. Applicants seek permission to bring his legal representatives on record of writ petition.

3 Mr. V.G. Mete – party-in-person has filed affidavit-in-reply opposing prayer of applicants. He points out that Sudam died in the year 2017 and present application is filed in the year 2024. There is inordinate

delay in filing application. There is no explanation for such inordinate delay. Therefore, application deserves to be rejected.

4 Having considered submissions advanced, it appears that deceased Sudam was one of the petitioners along with others. The proceeding in writ will not abate. No prejudice would cause to contesting party if legal representatives of Sudam are taken on record. So far as delay in bringing legal representatives of applicant No.2 on record is concerned, definitely, there is no meticulous explanation for such delay, however, looking to the nature of controversy involved in the petition, delay can be condoned by compensating the contesting respondent.

5 In that view of the matter, application is allowed in terms of prayer clause 'B' and 'C', subject to condition that applicants pay costs of Rs.3,000/- (Rupees Three Thousand only) to contesting respondent i.e. Mr. V.G. Mete, on or before 16.08.2024.

6 Amendment to be carried out on or before 16.08.2024.

7 Application stands disposed of.

(S.G. CHAPALGAONKAR)
JUDGE

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