



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9279 OF 2023
IN SA/170/1993

Nazir Ahmed Abdul Aziz Died
Lrs. Arefa Begum Mohd. Idris And Ors.
....Applicant

VERSUS

Tatiya Mesu Pathare Died
Lrs. Shankar Tatiya Pathare And Others.
....Respondent

....
Mr. M. M. Gulam, Advocate for Applicant
Mr. S. G. Shinde, Advocate for Respondent

...

CORAM : R.M. JOSHI, J
DATE : JANUARY 15, 2024

PER COURT :

1. This application is for condonation of delay of 3338 days caused in bringing LR's of deceased Respondent No. 1 on record.

2. Learned Counsel for the Applicants submit that Applicants were not aware about the death of Respondent No.1 and immediately after getting such knowledge application is filed.

3. Learned Counsel for the Respondent opposed the

application.

4. There is nothing on record to attribute mala fides against Applicants for not bringing LR's of deceased Respondent in time. This appeal is admitted. Owing to the admission of Appeal, and there being no contact between Appellant and lawyers as the matter is not taken up for final hearing in short time, no mala fides can be attributed to Appellant in not bringing LR's of deceased Respondent on record. Hence, it is fit case to condone delay. Hence, application is allowed in terms of prayer clause 'C'. Amendment be carried out within a period of two weeks.

(R. M. JOSHI, J.)

Malani