

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**915 CIVIL APPLICATION NO. 14995 OF 2023
IN SAST/30445/2023 WITH CIVIL
APPLICATION NO. 14994 OF 2023
IN SAST/30445/2023**

BHASKAR BHAVANJI BHARAD AND OTHERS

VERSUS

MANOJ RATNAKARRAO DHOLE

...

Advocate for Applicant : Mr. Ghatol Patil Shahaji B.

Advocate for Respondent : Adv. Sawari M. Patil h/f M.M. Patil
(Beedkar)

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 12th JUNE 2024

ORDER:-

1. Heard rival submissions.
2. The applicants want to bring on record legal representatives of appellant No.3 Arjun Bhaskarrao Bharad who admittedly died on 27/08/2016, by condoning the delay of 2486 days.
3. The learned counsel for the respondent strongly opposed the application by filing affidavit-in-reply wherein it is mentioned that appellant No.3 had in fact died during the pendency of the first appeal and therefore, that appeal was abated at the relevant time and therefore, the legal representative of appellant No.3 cannot be brought on record

at this stage.

4. However, considering the right to sue of the legal representative of deceased appellant No.3, they can be given opportunity to prosecute the appeal on merits. The learned counsel for the respondent also pointed out that applicant No.1, who is the appellant No.1, is also no more. However, separate application can be filed for bringing his legal representatives on record. In view of the same, the application stands allowed in terms of prayer clause (B), subject to cost of Rs. 3500/- (Rupees Three Thousand Five Hundred) to be deposited with Registry of this Court for utilization High Court Dispensary within two weeks. The correction be carried out after depositing of costs. The application is accordingly disposed of.

List Second Appeal on 26.06.2024.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni